

**CHAPTER 8
PUBLIC WORKS**

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8.01 (Reserved)

8.02 STREET GRADES. (1) ESTABLISHMENT. The grade of all streets and alleys shall be established by the Council and recorded by the City Clerk in his office. No street or alley shall be worked or sidewalk constructed until the grade thereof is established.

(2) ALTERATION OF GRADE PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground, *or any* part thereof, in the City unless authorized or instructed to do so by the Council or the Street Superintendent. All such alterations of grade shall be recorded in the office of the City Clerk.

8.03 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS. (1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Street Superintendent, make any opening in any street, alley, sidewalk or any public way within the City. No permit shall be granted when the ground is frozen unless the Superintendent determines such opening is necessary. The work shall be completed within 30 days after the permit is issued.

(2) APPLICATION. Application for a permit shall be made on a form supplied by the City Clerk or the Street Superintendent. The application shall be accompanied by a signed agreement to save the City harmless from any liability arising from the work or activity covered by the permit, the fee provided in sub. (3) below and a written description of the work, including a sketch designating the trench location.

(3) FEE. The permit fee shall be set by Resolution of the City Council plus the cost of curb and gutter and sidewalk replacement.

(4) INSURANCE. A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

(5) REQUIREMENTS FOR THE PROTECTION OF THE PUBLIC. Every permittee shall enclose each opening which he may make in the streets or public ways of the City with barricades and barricade lights in accordance with Part 6 of the United States Department of Transportation Federal Highway Administration Manual during the period the excavation is open and until the street or sidewalk is restored and made passable for vehicular and pedestrian traffic. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Except by written per-mission from the Street Superintendent, no trench shall be excavated more than 300 feet in advance of pipe laying nor left unfilled more than 450 feet where pipe has been laid. All

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necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work.

(6) **EXCAVATION, REFILLING AND REPAVING REQUIREMENTS.** The permittee shall restore the street to as close to its original condition as possible, in accordance with specifications established by the Board of Public Works, and shall be responsible for any costs incurred by the City. The Board of Public Works may elect to have the City make the pavement repair for any street opening, in which case the cost of making such repair and maintaining it for one year shall be charged to the person making the street opening. The permittee shall notify the Street Superintendent when repaving has been completed. In the event caving occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.

(7) **PLUMBING PERMIT REQUIRED.** See ch. 15 of this Code.

(8) **EMERGENCY EXCAVATIONS AUTHORIZED.** In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day.

(9) **CITY WORK EXCLUDED.** The provisions of this section shall not apply to excavation work done under the supervision of the Street Superintendent by City employees or contractors performing work under contract with the City necessitating excavation in City streets.

8.04 OBSTRUCTIONS AND ENCROACHMENTS. (1) **PROHIBITED.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2) below.

(2) **EXCEPTIONS.** The prohibition of sub. (1) above shall not apply to the following:

- (a) Public utility encroachments duly authorized by State law or the Council.
- (b) Temporary encroachments or obstructions authorized by permit granted pursuant to §66.0425(3), Wis. Stats.
- (c) Excavations and openings permitted under sec. 8.03 of this chapter.

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8.05 SALE OR DISPLAY OF MERCHANDISE REGULATED. Except for sales permitted by Statute or other sections of this Code, no person shall display, sell, or offer to sell, on any street, sidewalk, alley or other public place within the City, anything of value or service of any kind, except within 3 feet of the place of business, or in connection with a City-wide enterprise or promotion of community trade approved by the Council.

8.06 SNOW AND ICE REMOVAL. (1) REQUIRED. The owner, occupant or person in charge of every building, lot or part of a lot within the City fronting upon a public sidewalk shall remove all snow and ice from said sidewalk within 24 hours from the time the snow ceases to fall. When ice is formed on the sidewalk so that it cannot be removed, it shall be kept sprinkled with ashes, salt, sand or like material.

(2) **DEPOSIT ON STREETS PROHIBITED.** No person shall deposit or cause to be deposited any snow or ice upon any sidewalk, alley, parkway, public place or street in the City; provided, however, that snow or ice removed from the sidewalk in front of or abutting any premises or the premises which abut such sidewalk may be deposited on the parkway and, in the event there is no parkway on the street fronting such premises prior to snow or ice being plowed, windrowed and removed from the street by the City.

(3) **REMOVAL BY CITY.** If snow or ice is not removed from sidewalks or sprinkled, as required by sub. (1) above, or if snow or ice is deposited on any sidewalk, alley, parkway, public place or street in the City in violation of sub. (2) above, the City may remove or cause to be removed all such snow or ice and the person in charge of the premises from which the snow or ice was removed and so deposited shall be charged for the City cost of such removal. If not paid within 30 days, such charge shall be placed on the tax roll, pursuant to §66.0627, Wis. Stats.

8.07 UTILITY EXTENSIONS REQUIRED. All utilities, including sewer and water mains and service laterals to the abutting property, shall be installed before any street is permanently surfaced or resurfaced.

8.08 PUBLIC IMPROVEMENTS AND ASSESSMENTS. (1) GENERAL APPLICATION. (a) The installation of any public improvement shall be an exercise of the police power of the City, as may from time to time be determined by the Council, and the property served shall be assessed pursuant to the provisions of §566.0703 and 66.0701, Wis. Stats.

(b) The total cost of any public improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, site preparation and restoration, damages

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occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(c) The total assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal front-age basis unless the Council otherwise determines that extenuating circumstances require a different method of apportionment.

(2) **SEWER AND WATER MAINS.** (a) All sewer and water main extensions shall be constructed by the City in accordance with specifications established by the Board of Public Works.

(b) Special assessments for all sewer and water main extensions shall be levied at 100% of the cost.

(c) Corner lots shall be assessed in accordance with §66.0703(3), Wis. Stats.

(d) No water mains less than 8 inches in diameter and no sanitary sewer mains less than 8 inches in diameter shall be installed. When oversized sewer or water mains are installed by the City, the benefitting abutting property owner shall be assessed the 8 inch equivalent cost; the City shall levy a special assessment on an area basis for the remaining oversize cost against all the property benefitting from such oversizing.

(3) **STREETS.** (a) Streets shall be constructed by the developer or by the City in accordance with specifications established by the Board of Public Works.

(b) Special assessments for all new streets constructed by the City shall be levied at 100% of the cost. The cost of maintaining and resurfacing existing streets shall be borne by the City.

(4) **CURB AND GUTTER.** (a) Curb and gutter shall be constructed in accordance with specifications established by the Board of Public Works.

(b) Special assessments for all curb and gutter shall be levied at 100% of the cost.

(5) **SIDEWALKS.** (a) The sidewalk shall be located in such places and at such grades and width as designated by the Council and shall be constructed in accordance with standards established by the Board of Public Works.

(b) All new and replacement sidewalks shall be constructed in accordance with specifications established by the Board of Public Works.

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(c) Special assessments for all new sidewalks shall be levied at 100% of the cost.

(6) **STORM SEWER.** (a) Except as provided in ch. 19 of this Code, storm sewer shall be constructed by the City in accordance with standards established by the Board of Public Works.

(b) Special assessments for storm sewer shall be levied at 100% of the cost against the benefitting property on an area basis.

8.09 SPECIAL ASSESSMENT PROCEDURE. (1) **ALTERNATE METHOD SELECTED.** As provided in §66.0701, Wis. Stats., in addition to other methods provided by law, special assessments for any public work or improvement may be levied by alternate methods. The Council hereby elects to levy such special assessments as provided in this section.

(2) **PRELIMINARY RESOLUTION.** Whenever the Council shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.

(b) The limits of the proposed assessment district.

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.

(d) The number of installments in which the special assessments may be paid, or that the number of installments shall be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property, or that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(g) The City Clerk, upon consultation with the project engineer, shall prepare a report as required by sub. (3) below.

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(3) **REPORT OF CITY CLERK.** Whenever the Council, by preliminary resolution, directs the City Clerk to prepare a report, the Clerk shall prepare a report consisting of the following:

- (a) Preliminary or final plans and specifications for the public work.
- (b) An estimate of the entire cost of the proposed work or improvement, except that when the Council determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvement, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.
- (c) A schedule of the proposed assessments.
- (d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis for such benefit.
- (e) Upon completion of the report, the Street Superintendent shall file a copy of the report with the City Clerk.

(4) **INCORPORATION OF STATUTORY PROVISIONS.** The provisions of §66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) **LIEN.** Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Council determining the amount of such levy.

8.10 DRIVEWAYS AND CULVERTS. (1) **PERMIT REQUIRED.** No person shall construct any new driveway across any sidewalk or curbing without first obtaining a driveway and/or culvert permit from the Street Superintendent. The applicant for a driveway permit shall file the application with the Superintendent and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 150 feet of the proposed driveway.

(2) **FEE.** The fee for a driveway permit shall be as set by Resolution of the City Council and shall accompany the application.

(3) **SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.** (a) Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk in residential areas and 36 feet in industrial and commercial areas unless approved by the Board of Public Works.

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(a) Interference With Intersections Prohibited. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Board of Public Works for effective traffic control or for highway signs or signals. All applications providing for location of a driveway within 50 feet of an intersection in residential districts and 150 feet in commercial and industrial districts shall be submitted to the Board of Public Works. The Board shall approve or disapprove the granting of the permit upon determining whether or not such driveway would be detrimental to traffic control and safety.

(b) Interference With Street Prohibited. No driveway apron shall extend out into the street farther than the face of the curb or roadway surface.

(c) Number of Driveways Limited. No more than two (2) driveways shall be constructed for any residential lot or premises.

(d) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in sec. 8.08(5) of this chapter. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat workmanlike manner.

(4) SPECIFICATIONS FOR CULVERT CONSTRUCTION. (a) Size and Location. All culverts placed on, in or along the highways, streets or alleys of the City, either under private driveways leading from the public highways to private property or otherwise, shall be of sufficient size and constructed in such manner and of such materials as to provide means for the flow of water naturally accumulating or flowing along the ditches on such highways, streets or alleys. Such culvert shall not be less than 24 inches in diameter on State trunk highways and 18 inches in diameter on other streets, and shall be of sufficient length to prevent injury to persons or property in the use of the highways and the entrance to and exit from the highways over and across such culverts. The Street Superintendent may determine the size of the culvert required. Any culvert hereafter installed in the City shall have apron end walls of the same material as the culvert pipe.

(b) Conditions For Building. No building permit for the lot or parcel shall be issued by the Building Inspector until he is satisfied that the culvert has been placed, that sufficient gravel has been placed thereon to afford ingress and egress, and that the culvert end walls are in place.

(c) Existing Culverts. The Street Superintendent may investigate and approve or disapprove the various existing culverts or other drain pipes placed in the highways, streets or alleys in the City. The Superintendent may require culvert end walls to be placed on existing

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culvert installations where he determines it to be in the best interest of the City and the abutting property owners. The Superintendent may also require the owner of an abutting property to remove, or cause to be removed or replaced with adequate facilities, any culverts or drain pipes which do not conform to the requirements as provided herein when, in his judgment, it is necessary to do so, either for the orderly construction, maintenance or repair of any such highway, street or alley or in providing for a proper drainage system thereon.

8.11 MOVING BUILDINGS. (1) **PERMIT REQUIRED.** No person shall move any building into or within the City without a permit from the Building Inspector upon 30 days' notice.

(2) **APPLICATION.** Application for a permit shall be made on a form provided by the Building Inspector.

(3) **PERMIT FEE.** The permit fee shall be as set by Resolution of the City Council.

(4) **BOND REQUIRED.** Before a permit is issued, the mover must deposit with the City Clerk a corporate surety bond, approved by the City Attorney, in the amount of \$10,000, conditioned that the mover shall save the City harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived by the Building Inspector for small buildings.

(5) **INSURANCE REQUIRED.** Before a moving permit shall be issued, the applicant shall submit to the City Clerk a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

(6) **COMPLIANCE WITH BUILDING AND ZONING CODES REQUIRED.** No moving permit shall be issued until the Building Inspector has issued all permits required under chs. 14 and 17 of this Code.

(7) **NOTICE TO UTILITIES.** Prior to the issuance of said permit, the owner or mover shall certify that he has notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take what-ever steps are necessary to permit the building to be moved with-out damage to its lines and poles and may charge the permittee the cost thereof.

(8) **TIMELINESS OF MOVE.** Once the move has commenced, the mover shall complete the move as soon as conveniently may be.

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(9) **INSPECTION AND REPAIR OF STREETS AND HIGHWAYS.** Every permittee shall, within one day after reaching his destination, report that fact to the Street Superintendent. The Superintendent shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or highways, the building mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the building mover to do so within 10 days thereafter to the satisfaction of the Superintendent, the City shall repair the damage done to such streets and highways and hold the sureties of the bond given by the building mover responsible for the payment of the same.

8.12 STREET NUMBERING SYSTEM ESTABLISHED. (I) **STREET NUMBERING MAP.** All lots and parts of lots in the City shall be numbered in accordance with the Street Numbering Map on file in the office of the City Clerk. All lots and parts of lots hereafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on said Map.

(2) **NUMBERING REQUIRED.** (a) Existing Buildings. The owner of every house, dwelling and business establishment in the City shall cause to be designated on or attached to such structure within 5 feet of its front entrance or directly above the garage door of a garage which is attached to or a part of the main structure, and which faces the street upon which such structure is located and to which such numbering pertains, figures or words indicating the street number of such structure, and shall maintain such numbering in a good state of repair.

(b) New Buildings. Within 20 days of completion, the builder or owner of every new dwelling or business establishment in the City shall designate on or attach to such structure a street number in the manner set forth in par. (a) above.

(3) **NUMBER STANDARDS.** The figures or words which shall be used to indicate the number of a structure shall be no less than 3 inches in height, shall be clearly distinguishable from and of contrasting color to the color and surface of the underlying structure, and shall be clearly readable from a distance of 50 feet.

8.13 PLANTING, MAINTENANCE, PROTECTION AND CONTROL OF TREES. (1) **STREET SUPERINTENDENT, POWERS AND DUTIES.** The Street Superintendent shall, subject to the supervision and control of the Council, and except as herein provided, have jurisdiction and direction over all trees planted and growing in and upon City-owned property; that part of every street, the grade of which has been established, lying between the lot line and the curb; and trees on any property which may in any way have effect upon public property and upon the public welfare of the City, and for the

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planting, care, maintenance, protection and removal thereof. The Superintendent may make such rules and regulations as it may deem advisable for carrying out the purpose of this section.

(2) **TREE TRIMMING.** Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto, and having branches projecting into the public street or place, shall, under the supervision of the Street Superintendent, be kept trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and over all other places not less than 8 feet from the ground. This provision shall not apply to newly planted trees provided they do not interfere with persons upon the public street or place or obstruct the light of any street light. Any tree or trees not trimmed, as herein provided, shall be trimmed by the City and the City may charge the expense to the abutting property pursuant to §66.0627, Wis. Stats.

(3) **TREE PLANTING, PERMIT REQUIRED.** No trees or shrubs, except the varieties or species of trees or shrubs designated on the City's Master Street Tree Plan, shall be planted in or upon any public street or place. A copy of the Plan is on file in the office of the City Clerk. Trees shall be planted only after a written permit has been received from the Street Superintendent, which permit shall state the property on which the trees are to be planted, the variety or species to be planted and the exact location of the proposed plantings.

(4) **REMOVAL OF TREES AND STUMPS.** All dead, hazardous and infected trees in the public right of way will be removed by the City at the expense of the City. All other trees in the public right of way shall be removed at the expense of the owner of the abutting property. If trees are removed by the owner of the abutting property, he shall cause all stumps to be removed and the area cleaned of all branches, leaves and other debris. If such is not done in a manner satisfactory to the Street Superintendent, the Forester may do so and may charge the expense to the abutting property, pursuant to §66.0627, Wis. Stats.

(5) **STREET SUPERINTENDENT NOT TO TRESPASS.** This section shall not give the Street Superintendent authority to trespass on private land without the consent of the owner.

8.20 PENALTY. The penalty for violation of any provision of this chapter shall be a penalty as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.