

CHAPTER 8
PUBLIC WORKS

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8.01 OFFICIAL MAP.

- (1) **ADOPTED.** Pursuant to §62.23(6), Wis. Stats., the Official Map of the Village adopted July 1, 2002 is hereby adopted by reference. The Official Map and amendments thereto shall be kept in the office of the Clerk-Treasurer and recorded as required by law.
- (2) **AMENDMENTS TO OFFICIAL MAP.**
- (3) **ANNEXATIONS TO VILLAGE.**

8.02 STREET GRADES.

- (1) **ESTABLISHMENT.** The grade of all streets and alleys shall be established or reviewed by the Village Engineer and approved by the Village Board. 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 Village unless authorized or instructed to do so by the Village Board or the Village Engineer. All such alterations of grade shall be recorded in the office of the Clerk-Treasurer.

8.03 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

- (1) **PERMIT REQUIRED.** No person shall, without first obtaining a permit from the Village Engineer, make any opening in any street, alley, sidewalk or any public way within the Village. No permit shall be granted when the ground is frozen unless the Director of Public Works determines such opening is necessary.
- (2) **APPLICATION.** Application for a permit shall be made on a form supplied by the Village Engineer. The application shall be accompanied by a signed agreement to save the Village 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 as provided in the Village Fee Schedule on file in the office of the Clerk-Treasurer.
- (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 Village with sufficient barricades and barricade lights in order to warn the traveling public.
- (6) **EXCAVATION, REFILLING AND REPAVING REQUIREMENTS.** The permittee shall comply with all Public Works Committee rules and regulations governing excavation, refilling and repaving and shall be responsible for any costs incurred by the Village. The permittee shall make a determination whether or not sheathing and bracing shall be required. Any damage to curbs and gutters, grass covered terraces and sidewalks shall be restored. The permittee shall notify the Director of Public Works when repaving has been completed. In the event settling occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.
- (7) **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 immediately notify the Director of Public Works and shall apply for an excavation permit not later than the end of the next succeeding business day.
- (8) **VILLAGE WORK EXCLUDED.** The provisions of this section shall not apply to excavation work done by Village employees or contractors performing work under contract with the Village necessitating excavation in Village streets.

8.04 OBSTRUCTIONS AND ENCROACHMENTS.

(1) PROHIBITED.

- (a) 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.
- (b) No person shall rake leaves on a Village street, except during the leaf collection period established by the Village. See sec. 11.03(10)(e) of this Code.
- (c) No person shall cause the obstruction of the free flow of water in any gutter, ditch or swale.

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

- (a) Signs or clocks attached to buildings which project not more than 6 feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street and alley.
- (b) Awnings that do not extend below any point 7 feet above the sidewalk, street or alley.
- (c) Public utility encroachments authorized by the village.
- (d) Goods, wares and merchandise that do not extend more than 3 feet on a sidewalk.
- (e) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Public Works Committee. It may require such materials to be protected by barricades or appropriate lights.
- (f) Excavations and openings permitted under sec. 8.03 of this chapter.

8.05 SNOW AND ICE REMOVAL.

- (1) SIDEWALKS TO BE KEPT CLEAR. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village fronting or abutting any street shall clean, or cause to be cleaned, the sidewalk in front of or adjoining each such building or unoccupied lot of snow or ice to the width of such sidewalk and to the street surface within 24 hours after the cessation of a snowstorm. When the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, ashes, sawdust or sand.
- (2) DEPOSIT IN STREET PROHIBITED. No person shall deposit, or cause to be deposited, any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.
- (3) REMOVAL BY VILLAGE. The failure to remove or the deposit of any snow or ice upon any sidewalk, alley or street of the Village contrary to the provisions of this section shall be and is declared to be a nuisance and, in addition to the penalty provided for violation of this section, the Village may summarily remove any snow so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice has been removed. If not paid within 30 days, such charge shall be extended upon the current or next tax roll as a charge for current services, as provided in §66.0627, Wis. Stats.

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

8.07 PUBLIC IMPROVEMENTS AND ASSESSMENTS.

(1) GENERAL APPLICATION.

- (a) The installation of any public improvement shall be an exercise of the police power of the Village, as may from time to time be determined by the Village Board, and the property served shall be assessed pursuant to the provisions of §§66.0703 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 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 on a fair and equitable basis.
- (2) SEWER AND WATER MAINS.
- (a) All sewer and water main extensions shall be constructed by the Village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.
 - (b) Special assessments for all sewer and water main extensions shall be levied at 100% of the total cost of construction.
- (3) STREETS.
- (a) Streets shall be constructed by the village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.
 - (b) Except as provided in Ch. 19 of this Code, the cost of all streets shall be borne by the Village.
- (4) CURB AND GUTTER.
- (a) Curb and gutter shall be located in such places and at such grades designated by the Village Board and shall be constructed by the Village, or by a developer as required under Ch. 19 of this Code, in accordance with specifications established by the Village Board.
 - (b) Special assessments for all new curb and gutter shall be levied at 100% of the total cost. ~~The cost of replacement curb and gutter shall be borne by the Village.~~ *Amended 9/9/2008*
- (5) SIDEWALKS.
- (a) The sidewalk shall be located in such places and at such grades as designated by the Village Board and shall be constructed in accordance with standards established by the Village Board.
 - (b) Special assessments for all new sidewalks shall be levied at the total cost. The cost of replacement sidewalk shall be borne by the Village.

8.08 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 Village Board hereby elects to levy such special assessments as provided in this section.
- (2) PRELIMINARY RESOLUTION. Whenever the Village Board 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 Village Engineer shall prepare a report as required by sub. (3) below.
- (3) **REPORT OF VILLAGE ENGINEER.** Whenever the Village Board, by preliminary resolution, directs the Village Engineer to prepare a report, the Village Engineer 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 Village Board 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 Village Engineer shall file a copy of the report with the Clerk-Treasurer.
- (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 Village Board determining the amount of such levy.

8.09 DRIVEWAYS.

- (1) **PERMIT REQUIRED.** No person shall construct or enlarge any driveway onto a Village street without first obtaining a driveway permit from the Director of Public Works. The applicant for a driveway permit shall file the application with the Director 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) **SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.**
 - (a) Width. No driveway shall exceed 30 feet in width for residential and 42 feet for nonresidential at the outer or street edge of the sidewalk unless approved by the Village Board.
 - (b) 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 Village Board 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 Village Board. 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.
 - (c) Interference With Street Prohibited. No driveway apron shall extend out into the street farther than the face of the curb or roadway surface.
 - (d) Other Driveways. No driveway shall be located within 10 feet of another driveway.
 - (e) Number of Driveways Limited. No more than one driveway shall be constructed for any residential lot or premises without the approval of the Village Board.
 - (f) 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. 8.07(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.

- (3) **CULVERTS REQUIRED.** The Public Works Director shall determine if a culvert shall be required and the length and diameter thereof in conjunction with any driveway construction. The property owner shall be responsible for the cost of the culvert and installation.

8.10 PUBLIC CONSTRUCTION BIDDING.

- (1) **GENERAL.** Except as provided in sub. (2) below, all Village public construction contracts shall be let in accordance with §62.15, Wis. Stats.
- (2) **STREET CONSTRUCTION.** Pursuant to §62.15, Wis. Stats., the Village Board hereby determines that Village street construction shall be done directly by the Village by contracting for such construction with Wood County without submitting the same for bids.

8.11 MOVING BUILDINGS.

- (1) **PERMIT REQUIRED.** No person shall move any building or mobile home into or within the Village without a permit from the Director of Public Works and a building permit from the Building Inspector upon 30 days' notice.
- (2) **APPLICATION.** Application for a permit shall be made on a form provided by the Director of Public Works.
- (3) **PERMIT FEE.** For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$100. For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$10.
- (4) **BOND REQUIRED.** Before a permit is issued, the mover must give a bond in the amount of \$10,000 with good and sufficient sureties to be approved by the Village Attorney conditioned that the mover shall save the Village harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for small buildings.
- (5) **INSURANCE REQUIRED.** Before a moving permit shall be issued, the applicant shall submit to the Clerk-Treasurer 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) **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 whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.
- (7) **INSPECTION AND REPAIR OF STREETS AND HIGHWAYS.** Every permittee shall, within one day after reaching his destination, report that fact to the Director of Public Works. The Director 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 house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of the Public Works Committee, the Village shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

8.12 PLANTING AND CARE OF TREES.

- (1) **DUTIES OF DIRECTOR OF PUBLIC WORKS.** The Director of Public Works shall plant, trim, spray preserve and remove trees, plants and shrubs located along the streets and boulevards and other public places of the Village to insure the safety and preserve the symmetry and beauty of such public places. The Director of Public Works is hereby given all the rights, powers and duties as set forth in §27.09, Wis. Stats.
- (2) **ORDER TO PRESERVE OR REMOVE TREES ON PRIVATE PROPERTY.** The Director of Public Works shall order the trimming, preservation or removal of trees, plants and shrubs located on private property when he shall determine such action is necessary for public safety or to prevent the spread of disease or insects. (See also sec. 10.08 of this Code).

- (3) **PLANTING AND CARE BY PRIVATE PERSONS.** No person shall spray, remove or plant any trees, plants or shrubs on any public street or in any public place without securing a permit from the Director of Public Works.
- (4) **DUTIES OF PRIVATE OWNERS.** It shall be the duty of any person growing a tree, plant or shrub on any private property abutting on public streets or public places:
 - (a) To trim them to create a clearance of 14 feet above the street and 8 feet above the sidewalk so that they are not a hazard to persons using the streets, or sidewalks or to interfere with the proper lighting of the streets. The Director of Public Works may waive the requirement for newly planted trees if the Director determines that no interference with public travel is created.
 - (b) To treat or remove any tree, plant or shrub which the Director of Public Works shall determine is diseased or insect-ridden or a hazard to trees or persons using the streets.
 - (c) To remove and prohibit planting any tree, plant or shrub designated by the State Department of Agriculture and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
 - (d) To prohibit planting or permitting the growth of any box elder, cottonwood or willow tree.
 - (e) To prohibit planting any tree which may grow to a mature height of 18 feet or more under overhead electric wires. The Director of Public Works shall provide a list of trees that may be planted.

The owners of any property may arrange to have any tree, plant or shrub sprayed, trimmed or removed by the Village and pay for such service at the rates established by the Village Board.

- (5) **FAILURE TO COMPLY.** When a person to whom an order is directed shall fail to comply within the specified time, the Director of Public Works shall remedy the condition or contract with others for such purpose and shall charge the cost thereof to the owner of the property to whom the order is directed. The person remedying a condition under a contract made hereunder shall have authority to enter upon the premises for that purpose.
- (6) **MAINTENANCE OF NUISANCES.** In addition to other remedies provided for herein, any diseased, dangerous or insect-ridden tree, plant or shrub is hereby declared a public nuisance and may be removed as such.
- (7) **SPECIAL ASSESSMENT.** The Director of Public Works shall notify the property owner of the cost of remedying any condition hereunder and if the same is not paid within 30 days thereafter, it shall be a lien upon such property and collected as a special assessment.

8.15 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.