

**CHAPTER 3**  
**Streets and Sidewalks**

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## SECTION 4-3-1 SPECIAL STREET IMPROVEMENTS AND ASSESSMENTS

### (a) GENERAL APPLICATION

- a. The installation of any special street improvement shall be an exercise of the special taxing power or 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 § 66.0701 and § 66.0703, Wis. Stats.
- b. The total cost of any special 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 special 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 special improvement shall be based upon the total cost, as defined in subsection (2) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal frontage basis unless the Village Board otherwise determines that extenuating circumstances require a different method of assessment.

### (b) CURBS AND GUTTERS

- a. Curbs and gutters shall be installed in accordance with specifications established by the Village Board.
- b. Special assessment for all new curbs and gutters shall be levied as determined by the Village Board.

### (c) ASSESSMENTS A LIEN – All charges established in this section shall be direct liens upon the property improved.

## SECTION 4-3-2 SIDEWALK CONSTRUCTION AND REPAIR

- (a) OWNER TO CONSTRUCT – It shall be the duty of the abutting owner to repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village. Whenever the Village Board shall, by resolution, determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village, it shall proceed according to § 66.0907(3), Wis. Stats.

- (b) **AUTHORITY OF VILLAGE BOARD** – The Village Board may, from time to time, by ordinance or resolution, determine where sidewalks shall be constructed and establish the width, determine the material, and prescribe the method of construction of standard sidewalks. The standard so fixed may be different for different streets and may order, by ordinance or resolution, sidewalks to be laid as provided in this subsection.
- (c) **STREET COMMITTEE** – The Street Committee may order any sidewalk, which is unsafe, defective or insufficient, to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Street Committee.
- (d) **SPECIFICATIONS**
- a. Location – The sidewalk shall be located in such places as designated by the Village Board.
  - b. Sub-grading – when cutting the sub-grade, the materials shall be excavated to a depth two inches (2”) below the underside of the concrete and brought to grade with sand. When filling is required, the sub-grade shall be brought to proper grade in uniform layers not to exceed six inches (6”) in thickness and shall be thoroughly compacted mechanically.
  - c. Width and Thickness of Sidewalks and Driveways – All walks, unless otherwise provided for, shall have a standard width of forty inches (40”) or consistent with abutting sidewalks with a transverse slope of one-quarter inch (1/4”) per foot toward the curb. The minimum thickness of any part of a walk shall be four inches (4”) and, in places where driveways cross, shall have a minimum thickness of six inches (6”).
  - d. Concrete – All sidewalks shall be one course concrete construction, six (6) bag mix, with four inch (4”) slump. The surface shall be struck, troweled and brushed in a uniform and even manner. Contraction joints shall be located transversely every five feet (5’) at a depth of one-half inch (1/2”). Expansion joints shall be one-half inch (1/2”) thick and shall be located transversely at each property line, and, in addition, one (1) expansion joint shall be located at least every twenty (20) feet.
- (e) **LAYING OF NEW SIDEWALKS** – the Village will meet 100% of the cost of installing new sidewalks. New sidewalks are defined as installation of sidewalks where no previous sidewalks exist.
- (f) **PROCEDURE FOR SIDEWALK LAYING, REPAIR OR REPLACEMENT** – Pursuant to § 66.0907(3), Wis. Stats. The Village Board may order property owners to lay, repair, or remove and replace any sidewalk that is unsafe, defective or insufficient.

- (g) NOTICE – A copy of the ordinance, resolution or order directing such laying, removal, replacement or repair shall be served upon the owner or an agent of each lot or parcel of land in front of which such work is ordered. The Street Committee, if so required by the Village Board, may serve the notice. Serving of the notice may be made by:
  - a. Personal delivery;
  - b. Certified or registered mail, or
  - c. Publication in the official newspaper as a Class 1 notice, under Chapter 985 together with mailing by first class mail if the name and mailing address of the owner or an agent can be readily ascertained.
- (h) DEFAULT OF OWNER – Whenever a property owner neglects for a period of twenty (20) days after being served, to lay, remove, replace or repair any such sidewalk, the Village Board may cause such work to be done at the expense of said owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except as provided in § 62.15(1), Wis. Stats.
- (i) MINOR REPAIRS – If the cost of repairs of any sidewalk in front of any lot or parcel of land does not exceed the sum of ONE HUNDRED AND NO/100THS DOLLARS (\$100.00), the Street Committee, if so required by the Village Board, may immediately repair such sidewalk, without notice or letting the work by contract and charge the cost thereof to the owner of such lot or parcel of land, as provided in this section.
- (j) REPAIR OR REPLACEMENT OF EXISTING SIDEWALKS – If the Village repairs or replaces existing sidewalks after notice is provided to property owners as provided in subsection (g), and the owner fails to replace or repair said sidewalk, the Village will assess the owner for 50% of the cost of such replacement or repair. If the owner repairs or replaces the sidewalk directly or hires third parties (other than the Village) to repair or replace sidewalks, the Village shall have no obligation to reimburse owners for any of the cost thereof.

SECTION 4-3-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUND

- (a) PERMIT REQUIRED – No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or village owned easement within the Village without a permit therefore from a Village official.
- (b) FEE – The fee for an excavation or opening permit shall be TWENTYFIVE (\$25.00) which shall be paid to the Clerk-Treasurer.

- (c) **INSURANCE REQUIRED** – A permit shall be issued only upon condition that the applicant submit to the Village Board satisfactory written evidence that applicant has public liability insurance in force, and that said insurance will remain in force during the time the permit is in effect. Public liability insurance of not less than than the current statutory requirement.
- (d) **PUBLIC SERVICE CORPORATIONS OR COOPERATIVE ASSOCIATIONS** – Because the right of access to public right of way is granted to public service corporations and cooperative associations organized under § 185, Wis. Stats., which provide telecommunications service, gas, light, heat or power, by State Statutes, and because liability for damages relative to sidewalk and street excavations is assigned to the public service corporations and cooperative associations by State Statutes, these organizations are exempt from sub-sections (c) and (e). If said state statutes concerning public service corporations or cooperative organizations liability should change so that liability is not assigned to these public groups, these groups would not be exempt from ordinance sections (c) and (e). However, public service corporations or cooperative associations must apply for a permit pursuant to sub-section (a) prior to any excavation of a street, alley, public ways or grounds.
- (e) **BOND**
- a. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Clerk-Treasurer an indemnity bond, approved by the Village President, in the sum of FIVE THOUSAND AND NO/100<sup>TH</sup> DOLLARS (\$5,000.00), conditioned that he/she will indemnify and save harmless the Village and its officers from all liability for accidents and damage caused by any of the work covered by his/her permit, and that he/she will fill up and place in good and safe condition, all excavation and openings made in the street, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of one (1) year, and that he/she will pay all fines imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Village Board, and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the Village elects to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.
- b. Recovery on such bond for any accident, injury, violation of law ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

- c. An annual bond may be given under this section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

#### SECTION 4-3-4 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS

- (a) FROZEN GROUND – No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Village Board.
- (b) REMOVAL OF PAVING – In any opening or excavation, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along ditching.
- (c) PROTECTION OF PUBLIC – Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Village Board, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 500 feet where pipe or conduit has been laid. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his/her agents or employees. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages including costs incurred by the Village in defending any action brought against it for damages as well as cost of any appeal that may result from the neglect by such person or his/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
- (d) REPLACING STREET SURFACE – In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, the paving materials, sand, gravel, and earth or other materials moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated materials which, in the opinion of the Village Board, are not suitable for refilling shall be replaced with approved backfill materials. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one (1) year. In refilling the opening, the earth must be puddle or laid in layers not more than six inches (6”) in depth and each layer rammed,

tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one (1) year shall be charged to the person having made the street opening.

- (e) **NOTICE OF WORK** – It shall be the duty of the permittee to notify the Village Board and all public and private individuals, firms and corporations affected by the work to be done at least 24 hours before such work is to commence. The village board shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (f) **EXPIRATION OF PERMITS** – Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Village Board may extend the time limitation for good cause.
- (g) **EXCAVATION IN NEW STREETS LIMITED** – Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination is made, the Village Board shall notify, in writing, each person, utility, Village Department or other agency owning or controlling any sewer, water main, conduit or other said street, that all such excavation work in such street must be completed within thirty (30) days. **EMERGENCY EXCAVATIONS** – In the event of an emergency, any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his/her agents and employees 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, firm or corporation shall apply for an excavation permit not later than the next business day.
- (h) **APPLICATION REQUIREMENTS** – The application for a permit shall be in writing and signed by the applicant or his/her agent. The applicant shall submit to the Village Board, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Village Board shall determine if sufficient information is submitted.
- (i) **WORK EXCLUDED** – The provisions of this section shall not apply to excavation work done under the direction of the Village Board by Village employees or contractors performing work under contract with the Village except that the safety precautions under subsection (c) above shall be complied with.

- (j) PUBLIC SERVICE CORPORATIONS OR COOPERATIVE ASSOCIATIONS – Subsections (a), (e), (f) and (g) are not applicable to work performed by public service corporations or cooperative associations organized under § 185, Wis. Stats., which render or furnish telecommunications services, gas, light, heat or power. However, such corporations or cooperatives shall apply for a permit under this section as soon as practical.

#### SECTION 4-3-5 OBSTRUCTIONS AND ENCROACHMENTS

- (a) OBSTRUCTIONS AND ENCROACHMENTS 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/she is the owner or occupant, except as provide in subsection (b) below.
- (b) EXCEPTIONS – The prohibition of subsection (a) above shall not apply to the following:
- a. Signs or clocks attached to buildings which project more than six feet (6') from the face of such buildings and which do not extend below any point ten feet (10') above the sidewalk, street or alley.
  - b. Awnings that do not extend below any point seven feet (7') above the sidewalk, street or alley.
  - c. Public utility encroachments duly authorized by State Law or by the Village Board.
  - d. Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet (3') on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three (3) hours.
  - e. Temporary encroachments or obstructions authorized by permit under Section 4-3-10.
  - f. Excavations and opening permitted under Sections 4-3-3 and 4-3-4.
  - g. Encroachments such as small flowers and shrubs that serve to beautify and enhance the appearance of any public way for the common benefit of all Village residents shall be permitted upon approval of the Village Board. Said flowers and shrubs will be well maintained by the owner or tenant whose property is directly adjacent to the public land affected by the encroachment. Authorized encroachments will not obstruct, encumber, or impose any safety hazard on any street, alley, sidewalk, ditch, culvert, public grounds or land dedicated to public use. The Village Board shall approve or disapprove exceptions under this subsection on a case by case basis. The Village Board reserves the right to revoke all exceptions to this subsection if it is determined that the owner or tenant failed to comply with the stipulations stated herein.



- (c) REMOVAL BY THE VILLAGE – In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Village Board to do so, it shall be the duty of said Board to remove such obstruction and make return of the cost and the expense thereof to the Clerk/Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

#### SECTION 4-3-6 REMOVAL OF RUBBISH AND DIRT

No owner or occupant shall allow the sidewalk abutting on his/her premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board, the Board may cause the same to be done and report the cost thereof to the Clerk/Treasurer who shall enter the cost on the tax roll as a special tax against the premises, or such cost may be recovered in an action against the owner or occupant.

#### SECTION 4-3-7 BURNING IN STREETS PROHIBITED

No person shall burn any leaves, trash, rubbish or other materials within the traveled portion of any roadway within the Village.

#### SECTION 4-3-8 SNOW AND ICE REMOVAL

- (a) OWNER'S RESPONSIBILITY – 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 home, building or unoccupied lot, as the case may be, of snow or ice to the width of such sidewalk within 24 hours after each snowfall, and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the person herein referred to, shall keep the same sprinkled with salt, sawdust or sand.
- (b) CLEARANCE OF WALKS BY VILLAGE – The Village shall cause all sidewalks, which have not been cleared of snow and ice as required by subsection (a) above, to be cleared upon default of the person whose duty it is to clear or sprinkle the same. The Clerk/Treasurer shall keep an accurate account of the expenses of clearing ice and snow in front of each lot or parcel of land. The Clerk/Treasurer shall annually enter such expense in the tax roll as a special charge against each such lot or parcel of land, and the same shall be collected in all respects like other general property taxes upon real estate.

- (c) OWNER LIABILITY – If the abutting property owner fails to comply with the provisions in subsection (a) of this section, he/she shall assume primary liability for damage or injury to property or persons resulting from such failure.

State Law Reference: § 61.34 (1) and § 66.0907(5), Wis. Stats.

#### SECTION 4-3-9 TERRACE AREAS

- (a) TERRACE – The definition of “Terrace” shall be as defined in Section 4-6-2 (f).
- (b) NOXIOUS WEEDS; PAVING – All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any materials, including leaves which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- (c) RESPONSIBILITY TO MAINTAIN – Every owner of land in the Village whose land abuts a terrace is required to maintain or have maintained by his/her tenant, the terrace directly in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

#### SECTION 4-3-10 STREET PRIVILEGE PERMITS

- (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 Village Board 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.
- (b) BOND – No street privilege permit shall be issued until the applicant shall execute and file with the Clerk-Treasurer a bond in an amount determined by the Village Board conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will 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 such building or moving operation.
- (c) FEE – The fee for a street privilege permit shall be TEN AND NO 100THS DOLLARS (\$10.00).
- (d) CONDITIONS OF OCCUPANCY – The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of

buildings or structures shall be given upon the following terms and conditions and subject to revocation without notice by the Village Board for violation thereof:

- a. Such temporary obstruction shall cover not more than one-third (1/3<sup>rd</sup>) of any street or alley.
  - b. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - c. Sidewalk traffic shall not be interrupted but temporary sidewalks of not less than four feet (4') in width on both sides may be maintained during the period of occupancy.
  - d. The process of moving any building or structure shall be continuous as practicable until completed and if ordered by the Village Board, shall continue during all hours of the day and night.
  - e. No building or structure shall be allowed to remain on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - f. Buildings shall be moved only in accordance with the route prescribed by the Village Board.
- (e) TERMINATION – All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Village Board.

#### SECTION 4-3-11 REQUESTS FOR IMPROVEMENTS

Requests or petitions by village property owners for new streets, curbs and gutter, and sidewalks shall be presented to the Village Board on or before November 1 to be considered for installation in the following year.

#### SECTION 4-3-12 MOVING BUILDINGS

- (a) BOND REQUIRED - Before any building is moved within or into the Village, a permit must first be obtained from the Village Board. Before a permit to move any building is granted by the said Chairperson, the party applying therefore shall give a bond in the sum of FIVE THOUSAND AND NO/100THS DOLLARS (\$5,000.00) with good and sufficient sureties to be approved by the Village Attorney, conditioned among other things, that said party will save and indemnify judgments, costs and expenses which may in any way accrue against the Village and will save the Village harmless against all liabilities, judgments, costs and expenses in consequence of granting of such permit.
- (b) FEE - The fee for such permit shall be TWENTY-FIVE AND NO/100THS DOLLARS (\$25.00) and shall accompany the application.

- (c) CONTENTS OF PERMIT; REGULATION – Every permit to move a building shall state all conditions to be complied with, designate the route to be taken and limit of time for removal. The removal of a building shall be continuous during all the hours of the day, and day by day, and at night, if the Street Committee chairperson shall so order, until completed, with the least possible obstructions to thoroughfares. Flashing amber lights shall be kept in conspicuous places at each end of the building during the night.
- (d) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS, INCLUDING SIDEWALKS, CURBING OR OTHER PUBLIC OR PRIVATE PROPERTY – Every person receiving a permit to move a building shall, within one (1) day after reaching its destination, report that fact to the Village Clerk. The Village Clerk shall then notify the head of the Street Department that the building has been moved and ascertain the condition of the roads traveled. If the removal of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the house mover to do so within ten (10) days thereafter to the satisfaction of the head of the street department, the Village 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.
- (e) The permit fee and bonding may be waived by the Village Board

#### SECTION 4-3-13 REQUIREMENTS FOR ACCEPTING PRIVATE ROADS

- (a) No road shall be accepted by the Village Board until it is up to the following standards or until a surety bond in an amount set by the Village Board has been posted. The amount of the bond shall be sufficient to insure the completion of the road to the following standards.
  - a. All roads must have a surface of twenty feet (20'), with a right of way sixty-six feet (66').
  - b. All roads must be graveled with a minimum of four inch (4") gravel surface of 1,300 yards per mile gravel minimum.
  - c. The length of culverts, if needed, shall exceed the width of any access.
  - d. All grade and drainage standards shall be the same as Waushara County road standards as in existence when roads are established.
  - e. The Village Board reserves the right to accept or reject all roads.