

# Chapter 8

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## PUBLIC WORKS

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<sup>1</sup> Created by Ordinance No. 11-1990/91, Enacted March \_\_\_, 1991.

### 8.01 Stakes, Signs, Signals, Etc.

No person shall, within the limits of the City, remove or disturb any grade stake or sign barrier, lamp or danger signal placed in or upon any street of the City by any City official or contractor or other agent of the City.

### 8.02 Clearing Sidewalks

(1) Snow and Ice -

The owner, occupant or person in charge of each tenement or building in the City, fronting upon and adjoining any street, and the owner or person in charge of any unoccupied building or lot fronting as aforesaid, shall, before noon of each day, remove all snow and ice which may have fallen or accumulated upon the sidewalks in front of the premises owned, occupied or cared for by him; provided, that when ice has so formed upon any sidewalk that it cannot be removed, such person shall keep the same sprinkled with ashes, sawdust or sand, in such manner as to prevent the same from being dangerous and provided further that snow falling after 12:00 noon shall be removed before 12:00 noon of the succeeding day.

(2) Water -

Every person owning any building in the City situated as described in (1) shall cause the pipes conducting the water from the eaves of such buildings to be so constructed as not to spread the water over the sidewalk.

(3) Rubbish and Refuse -

Any owner, occupant, agent or person in charge of any premises, improved or vacant, that fronts upon any sidewalk, shall keep the same free from rubbish and dirt and free from all obstructions for the whole width thereof so that the public shall have free passage over such sidewalk for the whole width and at all times.

(4) Merchandise Containers -<sup>2</sup>

No person, firm or corporation shall place or cause to be placed any goods, wares, or merchandise, or any box, display case, or other container therefore, upon any sidewalk or public right-of-way in the City, excepting for the temporary display of such goods, wares, or merchandise within 3' of the building occupied by such person, firm or corporation as a usual place of business, any day during regular business hours, or in excess of regular business hours for a period not to exceed 90 days in any calendar year. Extensions of such 90 day period may be granted for good cause shown upon a case-by-case basis by the Common Council.

(5) Power of Superintendent of Public Works -

If the provisions of this chapter are not complied with, the Superintendent of Public Works shall cause all sidewalks, which shall not have been cleaned of ice, snow, rubbish, dirt or other obstructions or sprinkled with sand, sawdust or ashes as above prescribed, to be so cleaned or sprinkled, in his direction, and shall demand payment of the expense of such removal of the occupant, owner or person in charge of such premises. If the expense of

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<sup>2</sup> Amended by Ordinance No. 8-1983-1984, Enacted August 1, 1983.

such removal, cleaning or sprinkling is not paid, it shall be a tax upon the premises bounded by such sidewalk to be levied and assessed thereon as provided in Wisconsin Statutes § 62.17(5) (1999-2000).

(6) Definitions -

In construing the provisions of this section, where the premises are occupied, the occupant or person in charge shall be deemed the proper person whose duty it shall be to comply with the provisions of this chapter, except as provided in (2) of this section.

### 8.03 Snow Removal

No person shall throw or deposit the snow or ice from their own personal driveway, sidewalk or parking area into the public streets or alleys of the City.

### 8.04 Digging, Excavating or Diverting Flow of Water

(1) Permit to Dig or Excavate -

No person shall dig any hole, trench or ditch, tear up any pavement, sidewalk, culvert, drain or sewer or any part thereof, or make any excavation whatever, in any public street or public grounds in the City, without first obtaining written permission from the Superintendent of Public Works.

(2) Permit to Divert Flow of Water -

No person shall divert the ordinary flow of water in or to any culvert, drain or sewer to or upon any street, sidewalk or public grounds in the City without written permission from the Superintendent of Public Works.

(3) Holes to Be Refilled -

No person, with permission of the Superintendent of Public Works, shall dig any hole, ditch or trench or make any excavation in any public street or public ground in the City and fail to refill the same as soon as it can be done, consistent with accomplishing the object for which such hole, trench or ditch was dug or such excavation made, or fail for one day after such refilling to put street or public ground in as good a condition as the same was in prior to such digging or excavation.

(4) Guard Required Around Holes -

No person digging or making any such excavation in the City shall fail to guard any hole, trench or ditch dug or excavation made by sufficient fence railing, lights or otherwise, for any period of time so that the same shall be unsafe or dangerous.

(5) Damage to City Property -

No person so digging or making any excavation in the City, shall in any way injure any light wires, sewer connections, or any City property in any way, shape or manner.

(6) Responsibility -

All permits to dig in streets shall be issued to one person and he shall be fully responsible to the City for the carrying out of the provisions of this chapter.

(7) How Rules Are Made -

Permits under this section shall be issued under a set of rules worked out by the City and Board of Public Utility Officials.

### 8.05 Street Numbers

(1) Owner to Number -

Each owner of a building situated within the City used for dwelling or business purposes, shall number and keep numbered the same in a conspicuous and legible manner with the number designated on a certain map prepared by the Donohue Engineering Company of Sheboygan, Wisconsin, on file in the office of the Clerk, which map is numbered E4086, and is herein referred to with the same force and effect as if incorporated in this section.

(2) New Buildings -

The owners of new buildings shall so number such buildings within 30 days after such building is occupied.

### 8.06 Construction of Sidewalks and Driveways Over Sidewalks and Curbs

(1) Permit Required -

No person shall construct any sidewalk, curbing or driveway approaches between or across any sidewalk or curbing without first obtaining a permit.

(2) Application, Issuance and Term -

Any person laying new sidewalks or relaying old sidewalks or laying a driveway approach between or across any sidewalk or curbing shall first make application to the City Clerk for a permit. The application shall contain such information as the City Engineers may require and a permit shall be granted by the City Clerk when the applicant complies with all ordinances and rules relating to sidewalk and driveway approach location and construction or in conformity with a City Council Order. All construction hereunder shall be completed within 30 days of the issuance of the permit.

(3) Contractors -

In the case of a person under contract with the City to construct sidewalk, curb and gutter and driveways, the contract shall constitute the required permit for work being done under such contract.

(4) Repair -

Any destruction of street pavement, curbing or other public property shall be immediately repaired or reinstalled by the owner or his representative and paid for by the property owner.

## (5) Power and Authority of the Board of Public Works -

- (a) The City Council shall perform all the duties and exercise all the power and authority of the Board of Public Works and all persons shall be charged with the duties and chargeable with the expenses, under Wisconsin Statute § 62.17(b), (c), (d), (e) and (f) (1999-2000).
- (b) The Board of Public Works shall appoint as its representative the Superintendent of Public Works who shall make periodic inspections of work being performed under this chapter and shall report on such work to the Board of Public Works.

## (6) Construction of Sidewalks -

All sidewalks shall be constructed in conformance with the following specifications:

## (a) Width -

Sidewalks in residential areas shall be 4' 6" in width and shall be placed one foot from the lot line unless otherwise specified by the Established Grade Ordinance for a specific street. Sidewalks in areas zoned for business shall in general extend from the building front to the back of the curb. In areas where buildings are set back from the street line, the sidewalk shall extend from the street line to the back of the curb.

## (b) Longitudinal Grade -

The grade of all sidewalks shall conform to the Established Grade Ordinance and Plan for the street on which the sidewalk is to be constructed. Any deviation from the Grade Ordinance shall be approved in writing by the Board of Public Works or the City Engineer. No longitudinal grade of a sidewalk shall deviate more than 3/4" per foot from the established grade for such walk. Any change in the longitudinal grade shall be constructed in such a manner as to be smooth and pleasing in appearance. Abrupt breaks in grade shall be avoided.

## (c) Transverse Grade -

Sidewalks shall slope from the lot line toward the street in order to provide adequate drainage. This slope shall in general be 1/4" per foot or 1-1/8" across a 4' 6" sidewalk. In areas where it is advantageous to meet existing conditions, this slope may be increased to a maximum of 1/2" per foot. The minimum transverse grade for sidewalks is 1/8" per foot.

## (d) Thickness of Sidewalks -

In residential areas, sidewalks shall be 4" thick with the exception of driveway approach sections, which shall have a minimum thickness of 5". Sidewalks in areas zoned for business shall be a minimum of 5" thick and driveway sections shall be a minimum of 7" thick. A 2" sand or crushed gravel base shall be provided for all sidewalks.

## (7) Construction of Driveways -

## (a) Width -

Driveways shall have a minimum width of 12' at the curb line. The maximum width shall be 30' at the curb line. In general, the driveway shall be 2' narrower at the sidewalk line than at the curb line.

(b) Longitudinal Grade -

Driveways shall slope from the sidewalk to the gutter. The maximum slope for driveways shall be 1-3/4" per foot as measured from the near edge of the sidewalk to the gutter.

(c) Thickness of Driveway Approaches -

In residential areas driveway approaches shall have a minimum thickness of 5". In areas zoned for business or industrial, driveways shall have a minimum thickness of 7". A 2" sand or crushed gravel base shall be provided for all driveways.

(d) Expansion Joints -

A 1/2" asphalt expansion joint shall be placed wherever the driveway comes in contact with either curbing or sidewalk.

(e) Forms -

All forms for the sidewalk or driveways shall be of wood or steel and shall be set true to line and grade, substantially constructed so they shall not be disturbed during the placing of concrete. In each case the forms shall be the full depth of the walk or driveway. All sharp breaks in line or grade shall be avoided.

(f) Concrete -

All sidewalks and driveway construction shall be concrete which shall conform to the following specifications:

1. Ready-Mix Concrete -

Concrete shall be ready mixed and shall contain a minimum of 1-1/2 barrels of cement per cubic yard of concrete. Proportions of mix shall be approximately 94:204:306 by weight (for aggregates having a specific gravity of 2.65) or 1:2:3 by volume of dry, loose aggregate shall be used with no coarse aggregate larger than passes a 1" screen. Cement shall conform to A.S.T.M. C-175, Concrete Aggregate C33, ready mixed concrete C94. Mixing water shall not exceed 5-1/2 gallons per sack of cement, including the free water contained in the aggregates. This concrete shall be made with air-entrained cement and the concrete shall have an air content between 4% to 7% by volume. The content of air shall be checked by use of cement A.S.T.M. C-260.

2. Job-Mix Concrete -

Job-mix concrete shall be mixed with Portland cement, sand and gravel in the following proportions by volume:

1 part Portland cement.  
2 parts sand.

3 parts gravel.

Mixing water shall not exceed 5-1/2 gallons per sack of cement. No gravel or coarse aggregate shall be larger than shall pass a 1" screen. Care shall be taken to insure a thorough and complete mixing of the various ingredients.

3. Placing and Finishing Concrete -

Concrete shall be placed on compacted subgrade. After the concrete has been poured, it shall be struck off and worked to a smooth and even contour with a float, followed by a steel trowel. After the final troweling, the surface shall be lightly striped with a fine brush to produce a fine grained, smooth but sanded texture. The sidewalk shall be constructed with contraction joints at not more than 5' intervals. The contraction joint shall extend into the concrete to a depth of 1". A 1/2" asphalt expansion joint shall be placed at intervals not less than 45' and not more than 60'. Expansion joints shall be the full thickness of the walk. The edges of all sidewalk joints, etc., shall be rounded with an edger of 1/4" radius.

4. Curing -

As soon as possible without marring, the finished sidewalk shall be covered with wet burlap, cotton mats, straw or earth and kept moist for three (3) days. As an alternate where practical, clear or white-pigmented membrane seal coats may be used if, at the end of the three (3) days, they retain within the concrete at least 85% of the original mixing water. In cold weather, sidewalks shall be protected from freezing during the curing period.

### 8.07 Assessments for Construction and Repair of Streets, Alleys, Sidewalks, Curbs, and Gutters<sup>3</sup>

- (1) All those parts of the Wisconsin Statutes affecting assessing the costs of construction of streets, alleys, sidewalks, curbs and gutters shall be incorporated herein and made a part of this action.
- (2) The original cost of paving and construction of the streets, alleys, sidewalks, curbs and gutters shall be borne by the abutting property owners, the City paying for the intersection and corner lots being controlled by the Wisconsin Statutes.
- (3) The cost of laying and maintaining curb and gutter along or upon any street shall be fully borne by the property owner.
- (4) The cost of installing a hard surface to any street within the City, which was a replacement to a previously existing hard surface, shall be paid in full by the City provided such prior hard surface had previously been assessed against the then abutting property owners, the cost of resurfacing shall be assessed against the abutting property owners pursuant to the Wisconsin Statutes. Hard surface is defined as bituminous concrete pavement or concrete pavement.
- (5) The cost of replacing sidewalks and curb and gutter adjoining any street, which is a replacement or repair of existing sidewalk, curb and gutter, shall be paid for in full by the City

<sup>3</sup> Amended by Ordinance No. 13-1981/82, Enacted March 1, 1982.

provided such prior sidewalk and curb and gutter had been assessed against the then abutting property owners. If such existing sidewalk and curb and gutter had not been previously assessed against the then abutting property owners, the cost of installing such replacement or repair of sidewalk and curb and gutter shall be assessed against the property owners pursuant to Wisconsin Statutes.

### **8.08 Subdivision Improvements**

Within any subdivision where any such improvements shall not have previously been constructed and within any subdivision the preliminary or final plat for which shall hereafter be accepted by the City Council, any improvements benefitting such subdivisions shall be constructed and installed at the full cost of the subdivider or owner of lands within such subdivision served by such improvements. Improvements shall be defined to include, but shall not be limited to, sanitary sewer mains, laterals and appurtenances; storm sewers; water mains; road grading, graveling, paving and surfacing; curb and gutter; sidewalks; lot grading; tree planting; and any similar improvements.

### **8.09 Direct Public Construction**

In accordance with the provisions of Wisconsin Statutes § 62.15(1) (1999-2000), the following enumerated classes of public construction or any part thereof may be done directly by the City or any branch thereof, without submitting the same for bids: Electrical transmission line and facilities.

### **8.10 Grades of Streets, Alleys and Sidewalks Established**

The following ordinances establishing the grades of streets, alleys and sidewalks in the City are adopted by reference and included as part of this section as if fully set forth herein:

- (1) Ordinance No. 5, 1953-54, Pinehurst Addition.
- (2) Ordinance No. 3, 1957-58, River Hills Drive.
- (3) Ordinance No. 1, 1959-60, Crocker Avenue.
- (4) Ordinance No. 3, 1959-60, Sixth Street.
- (5) Ordinance No. 1, 1961-62, Lumber Street.
- (6) Ordinance No. 6, 1961-62, Giddings Subdivision and Pinehurst Addition.
- (7) Ordinance No. 2, 1962-63, Bluff Avenue, Highland Heights Subdivision.
- (8) Ordinance No. 11, 1963-64, Spring Street.
- (9) Ordinance No. 13, 1963-64, Spring Street.
- (10) Ordinance No. 1, 1963-64, Norgaard Avenue.
- (11) Ordinance No. 2, 1966-67, Raymond Drive.
- (12) Ordinance No. 1, 1967-68, Pinegrove Estates Subdivision.



- (13) Ordinance No. 13, 1967-68, Forest Avenue and Spruce Street.
- (14) Ordinance No. 1, 1968-69, Mark Avenue, David Avenue, Gregory Place and Rochester Drive.
- (15) Ordinance No. 16, 1968-69, Amherst Avenue, Dartmouth Drive, Cambridge Court and Stanford Street..
- (16) Ordinance No. 1, 1969-70, Samsal and Green Acres Drive.
- (17) Ordinance No. 5, 1969-70, Greenview Drive, Greenview Court, Tower Drive, Tower Court and Woodland Court.
- (18) Ordinance No. 15, 1969-70, Shelley Drive and David Avenue.
- (19) Ordinance No. 14, 1973-74, Leavens Avenue and Folz Court.
- (20) Ordinance No. 15, 1978-79, Western Avenue.

### **8.11 Street Opening Permits and Repair Procedures<sup>4</sup>**

- (1) Permit Required -

No person shall cut or otherwise make any non-emergency opening in the paved portion of any city street without first having obtained a "Street Opening Permit." Anyone performing emergency repairs after normal work hours, weekends, or holidays shall apply for a permit on the first regular work day following such emergency events and otherwise comply with the remaining provisions of this section. The Street Opening Permit shall be issued and the work done in accordance with the provisions of this section and all of the requirements of Section 8.04 of this Code, except for the permit application provisions of Section 8.04(1).

- (2) Application, Issuance, and Fees -

- (a) Application -

The application for the permit shall contain such information as the Building Inspector may require.

- (b) Fees -

The Street Opening Permit shall not be issued until the fees for the restoration of the paved surface of the street shall have been prepaid to the City. The applicant, or his or her agents, shall estimate the street opening size required to perform the proposed work and the prepayment will be based on a square footage estimate of the hole size and type of street surface. If curb and gutter removal is involved, that, likewise, shall be measured to determine the square foot cost of concrete replacement. The City shall determine its material and labor costs for completing the street and curb restoration on a square foot basis, and such amount shall be reviewed periodically in order to accurately reflect the costs to the City. In the event the prepaid estimates do

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<sup>4</sup> Created by Ordinance No. 11-1990/91, Enacted March \_\_\_\_, 1991.

not cover the total costs of restoration for any reason, the City shall be authorized to assess additional charges against the Street Opening Permit holder, and if payment is not made within thirty (30) days of billing therefor, the City is authorized to include the same as a special charge for current services on the next tax roll together with interest at a rate determined by the City, all in accordance with Wisconsin Statute § 66.0627 (1999-2000).

(c) Issuance -

Upon receipt of the fees and all application information, the building inspection office shall issue the Street Opening Permit, but such permit shall require a term within which the work must be completed and the expiration of such term shall result in the expiration of the permit.

(3) Construction and Repairs -

All street opening construction shall also conform with the following specifications:

- (a) All non-emergency openings shall be pre-sawed. Concrete streets paved within the previous five (5) years shall be sawed from joint to joint unless advance written arrangements to the contrary have been authorized in advance by the Superintendent of Public Works.
- (b) All holes shall be back filled with fresh granular materials and compacted in layers. The City shall be advised when back fill is intended so that it can check materials and workmanship and compliance with the above.
- (c) Sidewalk, driveway approaches, and restoration of disturbed sod areas shall be the responsibility of the permit holder or property owner, not the City.

### 8.15 Penalty

Any person found to be in violation of any provision of this chapter or any rule or regulation made hereunder shall be subject to a penalty as provided in Section 25.04 of this Municipal Code.