

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 June 11, 2002, is hereby adopted by reference. The official Map and amendments thereto shall be kept in the office of the Clerk 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 Director of Public Works 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 Director of Public Works. All such alterations of grade shall be recorded in the Office of the Clerk.

8.03 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS. (1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Director of Public Works, 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 determines such opening is necessary.

(2) APPLICATION. Application for a permit shall be made on a form supplied by the Director of Public Works. 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 Fee Schedule on file in the office of the Clerk.

(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 onto a Village Street.

(c) No person shall cause the obstruction of the free flow of water in any gutter, ditch or swale

(d) No downspout from any building shall terminate on or upon, or be placed in such position so that water shall flow back or over, any public sidewalk in the Village. Where the eaves of any building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be so protected. The owner of any building on which any spouts or the eaves thereof shall be maintained contrary to this paragraph shall be subject to a penalty as provided in this Code.

(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 which 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 which 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 proper lights.

(f) Excavations and openings permitted under sec. 8.03 of this chapter.

8.05 SNOW AND ICE REMOVAL. (1) SNOW AND ICE REMOVAL. (a) *Village Responsibility.* The Village shall be responsible for initial snow removal on all Village sidewalks when the streets are plowed by Public Works. The Village shall not be responsible for additional snow removal nor for ice removal or for any injuries resulting from failure to remove ice or sleet.

(b) *Owners' 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 cause the sidewalk to remain clean, if it is a sidewalk installed or maintained in a location designated by the Village Board, 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. The owner shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on the sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, 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 depositing of any snow or ice upon any sidewalk, alley or street of the Village contrary to 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 reasonable 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) Street 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.

(c) The installation of curb and gutter shall be waived where rural road sections have been approved by the Planning Commission.

Rural Road Designations:

Spruce Street—Lake Avenue to Benson Road
 Birch Street—Benson Road to East village Boundary
 Ash Street—Lake Avenue to East Village Boundary
 Lake Avenue—Ash Street To Coon Avenue
 Short Street—All
 Industrial Way W—to new sewer plant
 Peake Avenue—All
 Third Avenue—Oak Street To Birch Street
 Birch Street—Third Avenue to County W
 Ash Street—Second Avenue to East Village Boundary

(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) If it is determined that there will be a special assessment for new sidewalks the assessment shall be levied at 100% of 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 state 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 will be included in the final resolution.

(f) The Director of Public Works shall prepare a report as required by sub. (3) below.

(3) REPORT OF DIRECTOR OF PUBLIC WORKS. Whenever the Village Board, by preliminary resolution, directs the Director of Public Works or Village engineer to prepare a report, the Director 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 determined the 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 Director of Public Works or engineer shall file a copy of the report with the 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 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 together with a fee of \$5 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. All Village public construction contracts shall be let in accordance with §62.15, Wis. Stats.

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 zoning permit from the Zoning Administrator upon 30 days' notice.

(2) APPLICATION. Application for a permit shall be made on a form provided by the Zoning Administrator.

(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 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) PURPOSE STATEMENT. It is the policy of the village of Frederic to regulate and control the planting, pruning, removal, maintenance and protection of trees and shrubs in or upon all public and terrace areas of the Village of Frederic, to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs, both public and private, within the Village against the spread of disease, insects and pests.

(2) AUTHORITY AND POWER. (a) *Control over Public Property.*

1. The Director of Public Works, under the control of the Park Board, shall direct the purchase, planting, maintenance, trimming, pruning and removal of all trees and shrubs in any public area of the Village of Frederic. No person shall plant, maintain, prune or remove any tree or shrub on or from any public land without permission from the Village.

2. The terms "public, property", "public area" and "public land" shall include all land within the Village of Frederic and not privately owned or not controlled by any other political subdivision.

3. The Park Board shall make due various species of trees and shrubs, with consideration given to length of life, beauty, freedom from disease, care requirements, growth habits, utility future effect of roots on adjacent sidewalks and structures, cleanliness and other pertinent characteristics. Only such species as are approved by the Park Board shall be planted on public lands.

(b) *Control over Private Property.*

1. Any tree or shrub which overhangs any public land of the village, and which, in the opinion of the Director of Public Works and Park Board, endangers the life, health, safety or property of the public, shall be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and given a reasonable time for its correction or removal. If not corrected, action shall be taken by the village to abate the nuisance, and the cost assessed to the owner.

2. The owner of property abutting upon any street or sidewalk shall trim branches of all trees standing along such street or sidewalk so that the branches shall not obstruct the passage of light from any street light to the adjacent street or sidewalk, and he shall also trim all branches which overhang any street, alley or sidewalk so that there shall be a clear height of fifteen feet (15') above the street and a clear height of ten feet (10') above the sidewalk. The owner shall remove all dead, decayed or broken trees, limbs or branches which overhang any street or sidewalk.

(2) PLANTING. (a) Purpose Statement. The planting, care and protection of the trees within the Village of Frederic is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment.

(b) Tree Planting Program. The Director of Public Works shall recommend to the Park Board a program for tree planting, care and protection of trees and shrubs on public areas within the Village.

(c) Planting.

1. Any person proposing to plant trees or shrubs in public areas shall first have the size and species and variety of trees and shrubs, and the manner of planting submitted to the Village for approval before beginning such work.

2. There shall be a recommended distance of thirty (30') to fifty feet (50') between terrace area trees depending upon the size of the tree and other factors, as determined by the Director of Public Works. Parkway trees shall be planted equal distance between the sidewalk and back of the curb or proposed back of the curb. In terrace areas less than three feet (3') wide, planting will not be permitted. Terrace area trees shall be a minimum of thirty-five feet (35') from an intersection.

3. Evergreen trees shall not be planted in a terrace area.

(d) Unlawfully Planted Trees.

1. No trees, plants or shrubs shall be planted within any terrace or public area without the authorization and approval of the Park Board, the Director of Public Works and Village Board.

2. The Director of Public Works shall notify the abutting owner, in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.

(e) Pruning.

1. Trees and shrubs standing in or upon any public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept pruned so that the lowest branches projecting over the public street provide a clearance of not less than fifteen feet (15'). The dpw may waive the provision of this section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

2. The necessity of the pruning may be determined by the Director of Public Works.

3. Clearance from sidewalk to lower branches of any tree shall not be less than ten feet (10'). No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp. All trees and shrubs shall be pruned to prevent their branches from encroaching on any public sidewalk.

(f) Removal.

1. No person shall cut down or in any manner destroy or injure any living shade tree upon any public street, terrace, highway or other public ground in the Village of Frederic.

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.