

# Chapter 2

## Streets and Sidewalks

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### **Sec. 6-2-1 Removal of Debris and Dirt from Sidewalks, Streets and Public Grounds.**

No abutting property owner shall, upon any sidewalk, street, alley or public ground, so maintain his land or any building situated thereon so that, by erosion or by travel, parts of the soil or other substance shall be deposited upon the abutting sidewalk, street, alley or any public ground, and if such deposit by erosion or otherwise shall take place, the sidewalk, street, alley or public ground shall be cleaned and made passable by such abutting owner within twenty-four (24) hours after receiving notice thereof from the Inspection Department. If such owner or occupant shall refuse or fail to remove any such debris or dirt when notified to do so by the Common Council, or its designee, the Common Council, or its designee, may cause the same to be done and report the cost thereof to the City Clerk who shall spread the cost on the tax roll as a special tax against the premises, pursuant to Sec. 66.0627, Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

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#### Sec. 6-2-2 Construction and Repair of Sidewalks

- (a) **Provision of State Law.** All provisions of Sec. 66.0907 of the Wisconsin Statutes describing and defining regulations with respect to sidewalks are hereby adopted and by reference made a part of this Section as if fully set forth herein. Any act required to be performed or prohibited by Sec. 66.0907 of the Wisconsin Statutes is required or prohibited by this Section.
- (b) **Sidewalk Repair or Construction.**
- (1) Adjacent property owners building, repairing, constructing and perpetually maintaining sidewalks along or upon any street, alley or highway in the City of Onalaska shall pay the cost thereof pursuant to this Section. A sidewalk map as recommended by the Plan Commission and adopted by the Common Council shall be the basis of selecting proposed sidewalk locations throughout the City.
  - (2) All sidewalks within the City of Onalaska hereafter shall be repaired, rebuilt and constructed in accordance with the specifications of this Section.
- (c) **Special Assessments for Sidewalks.** Special assessments levied to defray the costs of laying, removing and repairing sidewalks may, when they exceed One Hundred Dollars (\$100.00), be paid in nine (9) equal annual installments, together with interest at the rate determined by the Common Council, "uniform with special assessments," normally one percent (1 %) over the rate at which the City borrows the money. Engineering and administrative fees of seven and one-half percent (7.5%) shall be added to the assessment cost.
- (d) **Sidewalk Permit Required.**
- (1) No person shall hereafter lay, remove, replace or repair any public sidewalk within the City unless he is under contract with the City to do such work or has obtained a permit therefore from the Inspection Department at least three (3) days before work is proposed to be undertaken. A fee of Fifteen Dollars (\$15.00) shall be charged for such permit. The permit shall be issued upon application forms provided by the City and shall contain such information as the Inspection Department shall deem necessary.
  - (2) Such permit shall be for a continuous sidewalk within or between intersecting streets, in front of the property owned by one (1) person, firm or corporation. No permit shall be necessary for repairs which do not exceed sixty (60) square feet, unless the Board of Public Works Inspector deems it necessary to establish a new grade for such repair.

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- (3) After the permit has been issued, the applicant shall obtain a survey and grade stakes from the City Engineer. After the sidewalk has been constructed, repaired or reconstructed, the Inspector will again check, after which a grade certificate will be issued upon request.
- (e) **Grade Certificate.** A grade certificate may be issued by the Inspection Department upon request providing all sidewalk construction, repair or reconstruction is in accordance with City specifications.
- (f) **Standard Specifications for Sidewalk.**
  - (1) **General.** Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the City.
  - (2) **Sub-grade.** Sub-grade shall be two (2) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft, porous and unsuitable sub-grade material shall be removed and replaced with sand or other satisfactory material, and the sub-grade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed.
  - (3) **Concrete.** The minimum quantity of cement per cubic yard shall be six (6) sacks of ninety-four (94) pounds each. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test three thousand (3,000) pounds compression in twenty-eight (28) days.
  - (4) **Forming.** Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.
  - (5) **Jointing, Floating and Finishing.** Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half (1/2) inch expansion joint shall be placed. Transverse expansion joints of one-half (1/2) inch thick and four (4) inches wide and five (5) feet long or premolded material shall be located every thirty (30) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have one-half (1/2) by four (4) inch expansion joints of premolded material.
  - (6) **Slope.** All forms must be approved by the City Engineer, or his designee, before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool.

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Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, the back of the sidewalk shall be on the property line.

- (7) **Width and Thickness.** All sidewalks shall be five (5) feet in width unless otherwise specified by the Board of Public Works. Residential sidewalks shall be not less than four (4) inches thick and commercial sidewalks not less than five (5) inches thick, except within driveway approaches the minimum thickness shall be six (6) inches.
- (8) **Carriage Walks and Driveway Areas.**
  - a. Concrete carriage walks and concrete driveways that are not placed at grade (per City Ordinance 279) shall be removed at City expense. The concrete replacement cost to grade shall be charged to the property owner.
  - b. Bituminous asphalt driveways shall be saw cut and removed at the City's expense. Their replacement shall be six (6) inch thick concrete, and shall be charged to the property owner.
  - c. The City shall pay up to four (4) feet of driveway length to match the back of the sidewalk to the existing driveway. Length in excess of four (4) feet shall be charged to the property owner. Unusual cases shall be reviewed by the Board of Public Works.
  - d. The area between the curb and gutter and sidewalk, through the driveway commonly referred to as the driveway approach, shall be six (6) inches thick poured concrete, the cost to be assessed to the property owner.
- (9) **Finishing.** The concrete shall be struck off true to grade, finished smooth and given a broom finish in transverse direction. Edges and joints shall be given a finish with a one-quarter (1/4) inch radius edging tool. Dry cement shall not be spread on a wet surface to take up excess water. Finishing operations shall be delayed until water has disappeared. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours.
- (10) **Curing.** Concrete shall be kept moist by sprinkling, covering or a combination of both for a minimum of five (5) days.
- (11) **Cold Weather Requirements.** When the temperature is less than forty (40) degrees F., all concrete placed in the forms shall have a temperature between fifty (50) degrees F. and seventy (70) degrees F. and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.
- (12) **Lawn Replacement.** When contractors perform sidewalk work for the City, the City shall replace and/or return lawns back to original condition at the City's expense. (Example: If a property owner has black dirt and sod, that is what the City shall replace; if a property owner has sand and weeds, the City will simply seed the area, with no black dirt.) After the sod has been placed, it shall be the responsibility of the property owner to water and to care for it. There shall be no replacement because of abuse or neglect. Property owners doing their own sidewalk and driveway construction shall take out sidewalk and driveway permits and shall not be entitled to any services from the City, such as excavation, black dirt, sod, seed, etc.

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(g) **Objects in Right-of-Way.**

- (1) All trees, shrubs, planters, landscaped flower gardens, flagpoles, fences, light posts, etc., and, in general, other objects placed on a City right-of-way (boulevard) without permission from the City that are in the way of the sidewalk, or pose a problem by being too close to the sidewalk, shall be the removal responsibility of the property owner. Any relocation of said objects shall be done by the property owner before sidewalk contractors start work. A property owner shall have thirty (30) days to remove said objects after the City has ordered the sidewalk in. Objects not removed within the thirty (30) day period shall be removed by the City or the sidewalk contractor at the time of construction. Objects shall be hauled away and disposed of.
- (2) Trees that exist very close to the back of sidewalks [within three (3) feet] may be removed by the City or sidewalk contractor at the City's expense. No replacement costs will be absorbed by the City. Property owners are advised to remove or relocate trees, because in time the roots may heave the walk, resulting in replacement at the cost of the property owner.
- (3) Any objects breaking the vertical plane at the property line, sitting on or over-hanging a sidewalk that may constitute a public danger or safety hazard (be it on City boulevards or private property), shall be cause to be removed by the City with no replacement provided.

(h) **Repair or Replacement of Defective Sidewalks.** Pursuant to Sec. 66.0907, Wis. Stats., the Common Council may order at any time property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk within sixty (60) days after service of the notice provided in Sec. 66.0907, Wis. Stats., the Common Council shall repair or construct such sidewalk and the City Clerk shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land. If a life-threatening situation exists which is caused by a sidewalk in need of repair, the Board of Public Works or City Engineer shall direct the property owner to make repairs within seven (7) days. If the property owner shall fail to repair such sidewalk within the required period, the Board of Public Works shall make the necessary repairs and the City Clerk shall enter the total cost thereof on the tax roll as a special tax against said parcel.

(i) **Illegal Sidewalks.** No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

(j) **Retaining Walls.** The cost of the initial flagstone or retaining wall, as determined by the Board of Public Works, shall be paid for by the City. After completion of the construction, the wall shall become property of the property owner. The property owner shall pay for any and all maintenance and upkeep.

*State Law Reference:* Sec. 66.615, Wis. Stats.

*Cross Reference:* Section 6-2-9.

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#### Sec. 6-2-3 Excavations of Streets, Alleys, Public Ways and Grounds.

- (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 ditch, public ground, public sidewalk or City-owned easement within the City of Onalaska without a permit therefor from the City Engineer.
- (b) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the City Engineer 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 City Engineer shall determine if sufficient information is submitted.
- (c) **City Work Excluded.** The provisions of this Section shall not apply to excavation work by City employees or to contractors performing work under contract with the City necessitating openings or excavations in City streets.
- (d) **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6-2-4(g) for pavement replacement.
- (e) **Renewal of Permit.** If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the City Engineer and payment of a Twenty-five Dollar (\$25.00) renewal permit fee. Permit renewals shall be issued at the discretion of the City Engineer.
- (f) **City Standards; Fees.**
  - (1) **City Standards.** All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
  - (2) **Fee.** The fee for a street opening permit shall be Twenty-Five Dollars (\$25.00) plus actual City expenses. Permit fees shall be paid to the City Engineer who shall issue his receipt therefor.
- (g) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the City Engineer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$500,000 per one (1) person, \$500,000 for one (1) accident and property damage coverage of not less than \$500,000. The policy shall name the City of Onalaska as the third-party insured.

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#### (h) **Bond.**

- (1) Before a permit for excavating or opening any public street, sidewalk, ditch, alley or public right-of-way may be issued, the applicant must execute and deposit with the City Clerk an indemnity bond of Ten Thousand Dollars (\$10,000.00) conditioned that he will indemnify and save harmless the City of Onalaska and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Board of Public Works for a period of one (1) year, and that he will pay all fines of forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain-laying adopted by the Board of Public Works 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 City. Such bond shall also guarantee that, if the City shall elect 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. 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 violation of law during the period of excavation for which it is given. An annual bond may be given.
- (2) Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Board of Public Works shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
- (3) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the City in an amount of Ten Thousand Dollars (\$10,000.00).
- (4) Whenever the Board of Public Works shall find that any such work has become defective within one (1) year of the date of completion, he shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Board of Public Works to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the City for the cost of doing the work as set forth in the notice.

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- (5) 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 City Engineer as necessary to adequately protect the public and the City.
- (i) **Public Utilities.** All public utilities as defined in Sec. 66.0725 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6-2-4, any and all subparagraphs thereunder, except that a public utility as defined within this Section shall not be required to post the per-project indemnity bond nor annual bond.

### Sec. 6-2-4 Regulations Governing Excavations and Openings.

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and May 1st except where it is determined by the City Engineer to be an emergency excavation.
- (b) **Protection of Public.**
  - (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the City Engineer or Police Department, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunset to sunrise. No open flame warning devices shall be used. Except by special permission from the Common Council, Board of Public Works, or its designee, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
  - (2) All necessary precautions shall be taken to guard the public effectively 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 City 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 employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
  - (3) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.
  - (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation.

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- The permittee shall notify the Police Department twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b).
- (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6-2-4(g).
- (c) **Pavement Removal.**
- (1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his work and in accordance with all applicable codes and regulations. Concrete pavement shall be removed to the nearest joints.
  - (2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The City Engineer shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.
  - (3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
  - (4) The City Engineer may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.
- (d) **Excavation.**
- (1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.
  - (2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.
- (e) **Backfilling.**
- (1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the City Engineer, is unsuitable.

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- (2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the City Engineer, hauled in.
- (3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.
- (4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (12-inch maximum) shall be uniformly compacted to a dry density of at least ninety-five percent (95%) of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.
- (5) All excavations shall be subject to testing by the City. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.
- (6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.
- (f) **Notice.** It shall be the duty of the permittee to notify the City Engineer and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The City Engineer shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (g) **Pavement Replacement and Sidewalk, Curb and Gutter and Driveway Restoration.**
  - (1) Backfill material shall be left below the original surface to allow for five (5) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.
  - (2) Bituminous pavement shall be placed the full depth of the existing pavement or three (3) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of one and one-half (1-1/2) inch layers with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (1/4) inch as measured with a ten (10) foot straight edge.

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- (3) Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by the City Engineer.
  - (4) All permanent restoration of street, curb and gutter shall be of the same type and thickness as the curb and gutter which abuts. The grade of the restored curb and gutter shall conform with the grade of the existing adjacent curb and gutter.
  - (5) All permanent restoration of driveways and sidewalks shall conform to the manner of construction as originally placed and to the lines and grades as given by the City Engineer. No patching of concrete driveway areas will be allowed between joints or dummy joints.
  - (6) Sidewalks shall be replaced the full width of the walk and minimum length shall be sixty (60) inches. All replaced walk shall be four (4) inches thick, except at driveways where it shall be six (6) inches thick. The new walk shall slope to conform to existing construction across the width of the walk toward the street.
  - (7) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three and one-half (3-1/2) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.
- (h) **Emergency Excavation.** 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 agents and employees make 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 and shall notify the Police Department immediately.
- (i) **Excavation in New Streets Limited.** Whenever the City 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 by the Common Council, the Board of Public Works shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued

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to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Board of Public Works, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

- (j) **Repair by City.** The City may elect to have the City or a contractor working for the City make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining such repair for one (1) year shall be charged to the person making the street opening.

### Sec. 6-2-5 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 is the owner or occupant, except as provided in Subsections (b) and (c) and Sections 6-2-6 and 6-2-7.
- (b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:
- (1) Temporary encroachments or obstructions authorized by permit under Sections 6-2-6 and 6-2-7 of this Section pursuant to Sec. 66.0425, Wis. Stats.
  - (2) Building materials for the period authorized by the Building Inspector and City Engineer which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.
  - (3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.
  - (4) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
  - (5) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.
- (c) **Issuance of Permit.**
- (1) The Common Council may issue a permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
    - a. The property must be located in an area zoned for commercial uses.
    - b. The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
    - c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five (5) feet at any point.

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- d. The property owner shall provide the City with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the City sidewalks. In addition, the City shall be identified as a third-party insured.
  - e. The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise. specifically excluded are all forms of vending machines, vendors carts or tables, etc.
  - f. The property owner whose property adjoins the City sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.
  - d. The property owner or the occupant of the subject property shall display the approved permit in the window of the building so that it can be seen from the sidewalk.
- (2) Upon reviewing the permit application if it is determined by the Common Council that all of the above requirements have been met, it shall issue the permit. Said permit may be revoked by the Common Council, Board of Public Works, Building Inspector or any City law enforcement officer ("City enforcement officials") at any time when one (1) or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.
- (d) **Removal by City for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any City enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.
- (e) **Removal by City for Obstruction and Encroachments Located In the City Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if any City enforcement official determines that a City street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.
- (f) **Failure to Remove Obstruction.**
- (1) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, any City enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

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- (2) The failure of the City Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

### Sec. 6-2-6 Street Privilege Permit.

- (a) **When Required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the City may be granted to applicants by the City may be granted for the purpose of moving any building, structure, or other large items which encroaches on more than one (1) lane of traffic, 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 of Ordinances. The City Clerk or his/her authorized deputy shall issue the permit. The City Clerk or his/her deputy shall request advisory recommendations from the Chief of Police, Streets and Utilities Commissioner, City Engineer and Building Inspector prior to issuance of the permit. City officials may attach conditions to the permit, including proof of liability insurance.
- (b) **Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the City Clerk a bond of Twenty Thousand Dollars (\$20,000.00), conditioned that the applicant will indemnify and save harmless the City 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 City resulting from such building or moving operations.
- (c) **Fee.** The fee for a street privilege permit shall be in the sum of Twenty Dollars (\$20.00), plus any actual City Costs.
- (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, structures or other items as defined above, and shall be given upon the following terms and conditions and subject to revocation without notice by the Board of Public Works, Chief of Police, Common Council or Building Inspector for violation thereof:
  - (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
  - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.

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- (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
  - (4) The process of moving any building, structure or other large item as defined above shall be as continuous as practicable until completed and, if ordered by the Chief of Police, Common Council or Board of Public Works, shall continue during all hours of the day and night.
  - (5) No building, structure or other large item as defined above shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (6) Buildings, structures or other large items as defined above shall be moved only in accordance with the route prescribed by the Common Council, upon the recommendation of the Chief of Police.
  - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (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 discretion of the Common Council.
- (f) **Removal by City.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Common Council, Board of Public Works, City Engineer, Chief of Police or Building Inspector to do so, it shall be the duty of the Common Council, Board of Public Works, City Engineer, Chief of Police or Building Inspector to remove such obstruction and make return of the costs and expenses thereof to the City Clerk 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.

*State Law Reference: Sec. 66.0425, Wis. Stats.*

### **Sec. 6-2-7 Use of Streets, Alleys and Other Public Ways by Persons and Businesses Renting Dumpsters.**

- (a) **Permit Required.** No person or business engaged in the business of leasing dumpsters or refuse containers for the storage of materials discarded or used in the process of construction or alteration of buildings are to place or allow for placement such dumpsters or refuse containers in any street, alley, highway, sidewalk or other public way within the City without first obtaining a permit from the Department of Inspection.

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- (b) **Application.** Applications for the dumpster or refuse container business permit shall be on forms provided by the City Department of Inspection. Each person engaged in the business of leasing to others dumpsters or refuse containers which are placed in any street, alley, highway, sidewalk or other public way within the City for the storage of materials discarded or used in the process of construction or alteration of structures or buildings shall make a separate application and said permit shall be valid for the period of time specified thereon, not to exceed fourteen (14) days.
- (c) **Fees.** The permit fee for each person engaged in the business of renting or leasing to others the use of dumpsters or refuse containers which are placed in the street or other public ways within the City shall be Twenty-Five Dollars (\$25.00) per permit.
- (d) **Insurance.** Prior to the issuance of a permit provided for in this Section, the permittee must furnish the Department of Inspection satisfactory written evidence that it has in force and will maintain during the term of the permit public liability insurance of not less than Two Hundred Thousand Dollars (\$200,000.00) for one (1) person, Five Hundred Thousand Dollars (\$500,000.00) for one (1) accident and property damage insurance of not less than One Hundred Thousand Dollars (\$100,000.00). Each permittee shall also furnish to the City a certificate of insurance naming the City of Onalaska as additional insured, and evidence of the same shall be on file with the Department of Inspection at all times during the term of the permit.
- (e) **Regulations.**
  - (1) Each dumpster or refuse container shall have posted thereon the name, address and phone number of the lessor or owner of said dumpster or refuse container.
  - (2) Each dumpster or refuse container shall be equipped with reflectorized tape or other reflector devices adequate to warn others of its presence during night hours.
  - (3) No dumpster or refuse container shall be placed in a moving lane of traffic.
  - (4) Each permittee shall notify the Department of Inspection of the location of all dumpsters or refuse containers placed in the streets, alleys, highways, sidewalks or other public ways within the City.
  - (5) Each permittee shall comply with any order of the Department of Inspection to remove any dumpster or refuse container should the placement or location of the dumpster or refuse container constitute a safety hazard.
  - (6) No dumpster or refuse container shall be placed so as to interfere with public works construction being performed by the City.
  - (7) Each permittee shall place flashing lights on at least two (2) sides of each dumpster or refuse container so as to alert all persons of the placement of the dumpster or container during hours of darkness.
  - (8) No dumpster or refuse container shall be placed within twenty-five (25) feet of any intersection.
- (f) **Security.** Each permittee shall provide in the sum of not less than Five Hundred Dollars (\$500.00) a bond by an approved insurance or security company or letter of credit meeting the approval of the City Attorney in order to insure removal of any dumpster or refuse

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container ordered removed by the Department of Inspection and to cover any damages to any street, alley, highway, sidewalk or other public way that may be damaged by the permittee's placement of a dumpster or refuse container.

### Sec. 6-2-8 Snow and Ice Removal.

- (a) **Removal From Sidewalks.** The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk shall keep said sidewalk clear of all snow and ice. In the event of snow accumulating on said sidewalk due to natural means and/or by any other means, said sidewalks shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to the width of the sidewalk. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with material to accelerate melting or prevent slipping. In case snow shall continue to fall for some time, then and in that case it shall be removed immediately after it shall cease to fall. The owner, agent, occupant or person in charge of a corner lot shall also clear, sand or salt, as set forth herein, to the curb, that portion of the sidewalk commonly referred to as the corner crosswalk. A corner lot is defined as a lot abutting upon two (2) or more streets.
- (b) **Inspection Department to Remove.**
- (1) In any case where any sidewalk in front of or adjoining any lot or parcel of land shall remain covered in any part with snow or ice after twenty-four (24) hours when it ceased to fall, the Inspection Department, working through the Board of Public Works, may grant a courtesy notice to the owner, agent or occupant to remove said snow and failing to do this, it shall be the duty of the Inspection Department, working through the Board of Public Works, to immediately thereafter cause such snow or ice to be so removed from the full width of such sidewalk and to report the expense of so doing to the Board of Public Works at its next regular meeting thereafter, with a description of the lot or parcel of land in front of or adjoining which such work has been done, and the Board of Public Works shall cause such expense to be audited and paid out of the general fund and shall direct the City Clerk to charge such expense to the lot or parcel of land adjoining which the same shall have been incurred, and the amount of such expense shall be inserted in the tax list next thereafter to be made out as a special tax against such lot or parcel of land and shall be collected as other taxes upon real estate are collected.
  - (2) The charge for said service shall be a minimum of Seventy-five Dollars (\$75.00) per front or side or, in the alternative, actual cost, whichever is greater.
- (c) **Snow and Ice Not to Encroach.** No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use

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except for parcels or lots located where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exist from the City right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks only onto the public streets. Snow from public sidewalks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access. The deposit of any snow or ice upon any sidewalk, alley or street of the City, contrary to the provisions of this Section, is a nuisance; and in addition to the penalty provided for violation of this Section, the City may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice had been removed.

- (d) **Enforcement.** The Inspection Department officers are hereby authorized and directed to enforce the provisions of this Section.
- (e) **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.
- (f) **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of Ordinances.

*State Law Reference:* Secs. 66.60(16) and 66.615(3)(f) and (5), Wis. Stats.

### Sec. 6-2-9 Boulevard Areas.

- (a) **Definition.** The definition of "boulevard" shall be as defined in Section 6-4-2(f).
- (b) **Noxious Weeds; Paving.** All that part of the boulevard 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 material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Common Council or its designee.
- (c) **Responsibility to Maintain.** Every owner of land in the City whose land abuts a boulevard is required to maintain, or have maintained by his tenant, the boulevard directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a boulevard free and clear of snow. Excess right-of-way located between any sidewalk and a private property line is also the responsibility of the abutting property owner to maintain.
- (d) **Boulevard Area Restrictions.** In addition to the definitions and restrictions contained herein, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the boulevard area. No lawn sprinkler system shall be installed in the boulevard area without first obtaining a street privilege permit under Section 6-2-6.

*Cross Reference:* Section 6-2-2(d) and Title 6, Chapter 4.

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#### **Sec. 6-2-10 Vaults**

All vaults and cisterns under sidewalks shall be prohibited.

#### **Sec. 6-2-11 Downspouts and Eaves of Buildings Not to Drain on Sidewalks.**

No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back or over any public sidewalk in the City. When the eaves of a 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 by proper spouts or otherwise that no water shall fall or drain therefrom or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of Ordinances.

#### **Sec. 6-2-12 Sale or Display of Merchandise Prohibited; Special Event Vending Permit.**

- (a) **Street Sales Prohibited Except by Permit.** No person shall display, sell or offer to sell on any street, sidewalk, alley or other public place within the City any goods, wares, foodstuffs or anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles, unless such person shall have first applied for and obtained a special event vending permit from the City Clerk. Such permit shall enable holders to conduct their business in all enumerated areas subject to the limitations of this Section. A special event vending permit shall be obtained where the vending is done by a participant in a special event and where such vending is an integral part of the event. However, where the vending is to occur in connection with a City or area-wide promotion of community trade or festival sponsored or coordinated by an organization, the sponsoring organization shall obtain the special event vending permit as agent for its participating members.
- (b) **Procedure.**
- (1) Application for a special event vending permit shall be filed with the City Clerk and shall contain such information as the City Clerk may require. Licenses shall be signed by the City Clerk and shall be conspicuously displayed at the place where such sales are being made. The permit shall set forth the exact days on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. Where a sponsoring organization is the

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- applicant, the applicant shall provide the City Clerk with a complete list of sponsors and participants at the time of making application.
- (2) Upon receipt of an application for a permit, the City Clerk shall review the information given on the application for conformity with the provisions of this Section. If all the applicable requirements are clearly and unambiguously met in the City Clerk's opinion, it shall approve the permit or approve it conditionally. If the applicable requirements are not clearly and unambiguously met in the City Clerk's opinion, it shall state the matters in doubt in writing to the applicant within three (3) days of the time of making application.
  - (3) The Common Council shall review appeals of the denial of the application by the City Clerk and may either deny the permit, approve the permit or approve the permit conditionally. Appeals requests shall be filed with the City Clerk within seven (7) days of the Committee's decision.
- (c) **Conditions of License.** In addition to any other conditions imposed by the City Clerk, all permittees shall fully comply with the following requirements:
- (1) **Liability Insurance.** To hold a valid permit, the vendor must have in force adequate liability insurance. Adequate liability insurance is liability insurance holding the City and its employees and agents harmless and to indemnify and defend the City, its employees and agents against all claims, liability, loss, damage or expense incurred by the City with adequate liability policy limits on account of any damage caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform this condition of the permit, the applicant shall furnish a Certificate of Insurance evidencing the existence of comprehensive general liability insurance (including contractual liability insurance with the City being named as an additional insured). Adequate liability limits means minimum limits of One Hundred Thousand Dollars (\$100,000.00) per occurrence for bodily injury and minimum limits of Fifty Thousand Dollars (\$50,000.00) per occurrence for property damage. The Certificate of Insurance shall provide thirty (30) days' written notice to the City upon cancellation, or nonrenewal or material change in the policy. Proof of insurance shall be submitted to the City Clerk a minimum of seven (7) days before the start of the event.
  - (2) **Cooperation with Law Enforcement Officials.** To protect the public health and safety, the permittee shall coordinate with the Chief of Police the location of all events under the permit. Street and sidewalk encroachments, booth locations and special parking provisions shall be submitted to the Chief of Police for his review and approval a minimum of seven (7) days before the start of the event.
  - (3) **Clean-up.** The permittee shall be fully responsible for all necessary clean-up associated with the licensed event.
  - (4) **Compliance with Other Regulations.** The permittee shall comply with all applicable state and county regulations governing health and sanitation for food-handling establishments, if applicable, and any other applicable City

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regulations, including, but not limited to, regulations pertaining to the issuance of Special Class "B" Fermented Malt Beverage Licenses.

### **Sec. 6-2-13 Requests for Improvements.**

Requests or petitions by City property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Common Council on or before September 1st to be considered for installation in the following year.

### **Sec. 6-2-14 Raking Leaves into Streets.**

In the interests of public safety, health and general welfare, community appearance and efficiency of operation, it shall be unlawful to rake or place fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street. No person shall permit grass clippings from mower swaths to remain upon sidewalks or on abutting property owned or occupied by him.

### **Sec. 6-2-15 Unlawful Dumping on Streets.**

It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner of occupant thereof.

### **Sec. 6-2-16 Street Numbers.**

- (a) **Buildings to Have Street Numbers.** Each principal building in the City shall be assigned an official street number by the Building Inspector. All lots and parts of lots in the City shall be numbered in accordance with a street numbering map on file in the office of the City Clerk. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.
- (b) **Street Number System.**
  - (1) **Definitions.** For the purpose of this Section, all streets whose course is northerly or southerly shall be considered North and South streets, and all streets having a easterly or westerly course shall be considered East and West streets and the general word "street" shall be deemed and held to include all streets, boulevards, courts or avenues.

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- (2) **Numbering North and South Streets.** All streets running north and south shall have as their dividing line, Main Street, and all numbers running northerly from Main Street shall be designated as North, and all numbers running south from Main Street shall be designated as South and shall have as their point of beginning the said Main Street.
- (3) **Numbering East and West Streets.** All streets running east and west shall have as their dividing line, First Street, and all numbers running easterly from First Street shall be designated as East, and all numbers running west from First Street shall be designated as West and shall have their point of beginning the said First Street.
- (4) **Allocation of Numbers.**
  - a. All numbering shall commence at the dividing street, and there shall be assigned as a unit of one hundred (100) for each block with even numbers on the right side and odd numbers on the left side of each street or avenue commencing at said dividing streets.
  - b. In all cases where an intersecting street or avenue shall not continue entirely across the City, the lots and buildings shall be numbered so that all lots and buildings the same distance from the base line shall have approximately the same numbers.
- (c) **Street Numbers to Be Displayed.** The owner, occupant, or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him the official street number assigned to that building as provided in (a) hereof. The physical numbers provided herein shall be not less than two and one-half (2-1/2) inches high on a background of not less than three (3) inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.
- (d) **Noncompliance.** If the owner or occupant of any building neglects for twenty (20) days to duly attach and maintain the proper numbers on the building, the City shall serve him a notice requiring him to properly number the same, and if he neglects to do so for ten (10) days after service, he shall be subject to a forfeiture as provided in Section 1-1-7.

### Sec. 6-2-17 Obstruction of Public Ditches.

No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain.

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### Sec. 6-2-18 Curb and Gutter.

- (a) **Special Assessments and Charges.** The City may, at any time, construct or have constructed curb and gutter in the City. As a complete alternative to any other methods provided by law, the City may collect for said curb and gutter in the manner and by the procedure provided by Sec. 66.0701 and/or 66.0703, Wis. Stats.
- (b) **Alternative Methods.**
  - (1) **Petition.** Any taxpayer and property owner in the City may petition the City for the installation of curb and gutter abutting property owned by said petitioner in said City.
    - a. **Requirements of Petition.** The petition for the installation of curb and gutter shall state that the petitioner(s) request curb and gutter abutting property owned by said petitioner, describing said property, stating what type is requested, and further said petition shall state that each petitioner individually shall be responsible and liable for, and thereby obligates himself to pay the total costs of installation of said curb and gutter to include surveying and other contingent expenses.
    - b. **Effect of Petition.** In the event a petition for the installation of curb and gutter is presented to the Common Council, the Council shall have the exclusive discretion to accept or reject the same. The Council may refer said petition, may table it, but in any event they shall act upon the same in some manner within six (6) months of receipt of said petition.
  - (2) **Resolution of Intent.** In the event the City should desire to construct curb and gutter in any area of the City, the Common Council may adopt a resolution of intent to install said curb and gutter and assess the costs thereof to the abutting property owners as provided in Sec. 66.0701, Wis. Stats.
- (c) **Types of Curb and Gutter.** All curbs and gutters shall conform to the construction standards adopted by the Common Council, on file with the City Engineer.
- (d) **Liability for Repair Thereof.** Whenever curb and gutter is installed, all property owners receiving the benefits thereof shall be responsible and liable for all replacements, repairs, damage and maintenance and during any period of construction on the property against which it abuts. Any expense for additional width of road made necessary by blacktop curb and gutter shall be the responsibility of and shall be paid for by the abutting property owner.
- (e) **Entered on Tax Rolls.** Any and all costs of replacement, repair and maintenance of curb and gutter incurred within two (2) years after installation thereof or damage thereto during construction as provided in Subsection (d) above, shall be charged to the lot or parcel of land affected thereby pursuant to Sec. 66.0703, Wis. Stats.

*State Law Reference:* Secs. 66.0701 and 66.0703, Wis. Stats.

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### Sec. 6-2-19 Alley Paving.

- (a) Property owners desiring paved alleys shall present a signed petition for alley paving to the City Clerk paving to the City Clerk. Said petition must contain the signatures of the owners of at least sixty percent (60%) of the front footage of the alley. After presentation, the City Clerk shall check the petition to determine compliance and, when approved, it shall be forwarded to the Common Council. The Council shall refer said petition to the Board of Public Works for plans and costs and a recommendation to the Council.
- (b) Due to the varying degrees of run-off, each alley will be reviewed individually. If the particular circumstances justify paving and the Common Council agrees, it shall direct the Board of Public Works to set up a public hearing on alley paving.
- (c) After a public hearing, the project shall be placed in the capital improvement budget for the following year.
- (d)
  - (1) Assessments for alley paving are determined by the actual cost of paving within the alley limits (from street line to street line). Any addition work such as alley aprons, sidewalks, retaining walls, etc., shall be the sole obligation of the property owner.
  - (2) The cost of the project will be assessed on the basis of one-third (1/3) of the cost to each property owner abutting on the alley and the remaining one-third (1/3) shall be borne by the City.
  - (3) The formula to determine the per-foot assessment for alley paving is as follows:

$$\frac{\text{Total Construction Costs}}{\text{Assessable Frontage}} = \text{Assessment/Foot}$$

- (e) Corner lots and double frontage shall be assessed in full.
- (f) Most alleys are twenty (20) feet in width (right-of-way). Residential alleys are paved seventeen (17) feet in width, while alleys in commercial or industrial areas are paved full width. Alleys having less than twenty (20) feet in right-of-way are judged individually as to what width they shall be paved.

### Sec. 6-2-20 Block Parties.

- (a) **Authorization.** In accordance with the provisions of this Section, a street may be temporarily closed for a block party to be conducted within an area not exceeding one (1) block in the City in areas which are residentially zoned and to which fifty-one percent (51 %) or more of the households fronting upon such area consent, which event is sponsored solely by such owners, residents or tenants for their own enjoyment and that of their guests, and is not for commercial or advertising purposes or for profit. For purposes of this Section, the consent of one (1) adult in each household shall be deemed the consent of the household.
- (b) **Permit Required.** It shall be unlawful for any person to participate in, organize or promote such a block party unless a permit has first been obtained from the City Clerk.
- (c) **Application for Permit.** An application for a permit for a block party shall be made upon a form provided by the City and shall contain all of the following information:

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- (1) The name, address and phone number of a contact person making application for the permit.
  - (2) The date and beginning and ending hours of such block party.
  - (3) The block in which the block party will occur.
  - (4) The estimated maximum number of persons who will attend.
  - (5) Such other information as the City Clerk deems is reasonably necessary to carry out the provisions of this Section.
- (d) **Time for Applying for Permit.** Application for a permit shall be filed not less than (10) calendar days prior to the scheduled date of the block party. Failure to file within such period is sufficient grounds for denial of a permit.
- (e) **Barricades.** The City shall supply sufficient barricades as the City deems necessary for the block party. Barricades shall be delivered by the City prior to the block party and shall be picked up by the City on the first work day after the party. Applicant(s) shall be responsible for placing the barricades prior to the commencement of the party and shall remove them promptly at the conclusion of the party. The applicant shall comply with any directives of the City regarding the placement of barricades.
- (f) **Litter Collection.** Applicant(s) shall provide for the collection and removal of all trash, garbage and litter caused by or arising out of any block party.
- (g) **Hold Harmless.** Applicant(s) shall agree to assume the defense of and hold harmless the City, its officers, agents, and employees from all suits, actions, damages or claims of whatever kind or nature resulting from, caused by or in any way arising out of such block party and the attendant temporary street closure.
- (h) **Sales Not Permitted.** No food, beverages or items of any kind may be sold at the block party and no person shall be charged a fee for attendance at the block party.
- (i) **Compliance with Other Ordinances.** Applicant(s) must comply with all other ordinances, rules and regulations of the City in holding the block party.
- (j) **Conditions for Issuance of Permit.** The City Clerk, after consultation with the Chiefs of the Police and Fire Departments, may impose such conditions as are deemed appropriate to reduce or minimize the dangers and hazards to vehicular traffic, and the public health, safety and welfare of the participants and the public.
- (k) **Standards for Issuance of Permit.** A permit shall be issued by the City Clerk, if she finds that all of the following circumstances exist:
- (1) The applicant has met the standards in this Section and agrees to such conditions as are imposed in the permit.
  - (2) The street to be closed is not an arterial or collector street.
  - (3) The time and duration of the block party will not substantially interfere with the ability of neighboring residents and property owners to the peaceful enjoyment of their properties and in no event shall the party commence prior to 10:00 a.m. or end later than 10:00 p.m.
  - (4) The concentration of persons at the block party and the closure of the street will not unduly interfere with the provision of proper police and fire protection and emergency services to the area involved in the block party and surrounding areas.

## **Streets and Sidewalks**

### **6-2-20**

- (1) **Notice of Issuance or Denial of Permit.** Notice of the issuance or denial of a permit shall be provided to the applicant within five (5) working days after receipt of the application. If a permit is denied, the applicant shall be informed of the reason(s) for denial.
- (m) **Revocation of Permit.** Any permit may be revoked in the event of an emergency or other condition if the City Clerk determines that the health, safety and welfare of the public requires such revocation.