

CHAPTER 8

PUBLIC WORKS

(CHAPTER AMENDED 11/06/2002)

8.01	Street and Sidewalk Grades
8.02	Sidewalk Construction and Repair
8.03	Street Excavations
8.04	Obstructions and Encroachments
8.05	Moving Buildings
8.06	Snow and Ice Removal
8.07	Tree Planting, Pruning and Removal
8.08	Special Assessments for Public Works Improvements
8.09	Curb and Gutter Construction
8.10 - 8.14	Reserved
8.15	Penalty

8.01 STREET AND SIDEWALK GRADES.

(1) ESTABLISHMENT. The grades of all streets, alleys and sidewalks shall be established and described by the Village Board and shall be recorded by the Village Clerk and kept on file at the Village Office.

(2) REQUIRED. No street, alley or sidewalk shall be worked until the grade thereof is established.

(3) ALTERING PROHIBITED. No person shall alter the grade of any street, alley, sidewalk, public ground or part thereof, unless so authorized or instructed by the Village Board.

(4) ORDINANCES ADOPTED. Ordinance 8.03 establishing grades of streets in the Village, is made part of this chapter as though fully set forth.

8.02 SIDEWALK CONSTRUCTION AND REPAIR.

(1) WHEN SIDEWALKS TO BE CONSTRUCTED. Sidewalks shall be constructed along any side of the street in any Village block where there is existing curb and gutter and in which 50% or more of the number of lots have been built upon. Owners of lots in newly developed areas shall have no obligation to construct sidewalks until 50% of the number of lots on such block side have been built upon and installation of curb and gutter has occurred.

(2) OWNER'S DUTY. Abutting property owners shall build, repair, construct and perpetually maintain sidewalks and shall pay the cost of construction thereof, except the cost of installation of sidewalks on side lots, to a maximum of 150', will be shared 60% by the Village and 40% by the abutting property owner. All expenses incurred for installation of sidewalk on side lots for footage in excess of 150' shall be paid for entirely by the abutting property owner.

(3) NOTICE TO COMPLY; DEFAULT OF OWNER. A copy of this section shall be served upon the owner or agent of each lot or parcel of land in front of which sidewalk work is ordered in the manner provided under §66.0907(d). The owner shall have 20 days from the date notice is served to notify the Village in writing that he will either perform or contract for the performance of the work. The owner shall then have 365 days from the date notice is served upon the Village in which to complete the work. If the owner fails to provide notice to the Village within 20 days of its intent to perform or contract for the performance or to complete the work within 365 days after service of the notice upon the Village, the Village may cause the work to be done at the expense of the owner as provided under §66.0907(f).

(4) REBUILDING/REPAIRING. Sidewalks shall be rebuilt, repaired, lowered or raised along and upon any public street or alley whenever the Village Board shall by resolution determine that such work is necessary. Upon passing such resolution, the Village Board shall then proceed according to §66.0907.

(5) APPEAL TO BOARD. Any owner who is served with a notice as set form in 8.02(3) and who believes himself aggrieved thereby may petition the Village Board for relief therefrom provided such petition is filed with the Village Clerk within 20 days after receipt of such notice. Such petition shall be accepted or rejected at the next regular Village Board meeting occurring more than 20 days after the mailing of the notice.

(6) PERMIT REQUIRED TO LAY, REMOVE, REPLACE OR REPAIR SIDEWALKS. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village unless he is under contract with the Village to do such work or has obtained a permit therefore from the Village Clerk at least 7 days before the work is proposed to be undertaken. No fee shall be charged for such permits.

(7) SPECIFICATION. All sidewalks within the Village shall be concrete and be repaired, rebuilt and constructed in accordance with the following specifications:

(a) Width.

1. Sidewalks in residential areas shall be 4' in width, except existing sidewalks on any block will determine width and grade for the block or until there is a natural break. They shall be placed on the lot line, unless otherwise specified by the established grade ordinance for a specific street or unless the Village Board approves in writing a placement other than on the lot line.

2. Sidewalks in areas zoned for business shall, in general, extend from the building front to back of the curb, unless the Village Board authorizes another location. If the existing placement or grade poses a problem, a variance may be granted by the Village Board after a written request is received from majority of the property owners and examination of the problem by the Village Board.

(b) Longitudinal Grade.

1. The grade of all sidewalks shall conform to the established grade ordinance and plan for the street on which the sidewalk is to be constructed. Any deviation from the grade ordinance shall be approved in writing by the Director of Public Works.

2. In no case shall the longitudinal grade of a sidewalk deviate more than 3/4" per foot from the established grade for such walk. Any change in the longitudinal grade shall be constructed in such manner as to be smooth and pleasing in appearance. Abrupt breaks in grade shall be avoided.

(c) Traverse Grade. Sidewalk shall slope from the lot line toward the street in order to provide adequate drainage. This slope shall, in general, be 1/4" per foot or 1 1/4" across a 5' sidewalk. In areas where it is advantageous to meet existing conditions, this slope may be increased to a maximum of 1/2" per foot. The minimum transverse grade for sidewalks is 1/8" per foot.

(d) Thickness of Sidewalks.

1. In residential areas sidewalks shall be 4" thick with the exception of driveway sections which shall have a minimum thickness of 6".

2. Sidewalks in areas zoned for business shall be a minimum of 5" thick and driveway sections shall be a minimum of 7" thick.

3. A 2" thick sand or crushed gravel base shall be provided for all sidewalks.

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

(f) Concrete. Concrete shall contain a minimum of 1 ½ barrels of cement per cubic yard of concrete and be reinforced with a minimum of ½" rebar running 1' in from the outside edge on both sides of the walkway. Rebar must be overlapped a minimum of 1'.

(g) Placing and Finishing Concrete.

1. Concrete shall be placed only on a damp subgrade, puddled and compacted in the forms or vibrated to secure a solid mass free of all voids. After the concrete has been compacted, it shall be struck off and worked to a smooth even contour with a wood float, followed by a steel trowel. After the final troweling, the surface shall be lightly stripped with a fine brush to produce a fine grained, smooth but sanded texture.

2. The sidewalk shall be constructed with contraction joints. The contraction joint shall extend into the concrete to a depth of 1". A ½" asphalt expansion joint shall be placed at intervals not less than 45' and not more than 60. Expansion joints shall be the full thickness of the walk.

3. Edges of all sidewalk joints, etc. shall be rounded with an edge of 1/4" radius.

8.03 **STREET EXCAVATIONS**.

(1) **STREET EXCAVATIONS**. No person shall excavate in any street, alley or public ground without a written permission from the Director of Public Works.

(2) **BOND**. Before written permission is granted for excavation in any public street, way or alley, the person requesting such permission shall execute to the village and deposit with the Village Clerk a corporate surety in the sum of \$1,000 upon condition that he shall perform faithfully all work in accordance with the laws, rules and regulations applicable thereto. The bond shall state that the person will indemnify and save harmless the Village and the owner of the premises against all damages, costs, expenses, outlays and claims arising out of unskillfulness or negligence on his part in connection with such excavation. Such bond shall remain in force for one year, except on such expiration it shall remain in force as to all penalties, claims and demands that may have occurred prior to expiration.

(3) **PROTECTION OF THE PUBLIC**. No permission shall be granted if the method of construction or the location of the work to be performed will impair the public safety and convenience. The grantee shall erect such barriers, warning lights and signs as well adequately inform the traveling public of the nature and location of the work being performed.

(4) **REPAIR OF STREET OPENINGS**. The person to whom permission is granted under this section shall complete the work involved as soon as possible and shall immediately repair all pavements, gutters and sidewalks in as good a condition as before the opening and as may be directed by the Director of Public Works.

8.04 **OBSTRUCTIONS AND ENCROACHMENTS**.

(1) PROHIBITED. No person shall encroach upon or 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 subsection (2).

(2) EXCEPTIONS. The prohibitions of subsection (1) shall not apply to the following:

(a) Signs and clocks attached to building which project not more than 6' from the face of such building and which do not extend at any point lower than 10' above the sidewalk, street or alley.

(b) Awnings which do not extend at any point lower than 7' above the sidewalk, street or alley.

(c) Public utility encroachments authorized by the Village.

(d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3' on a sidewalk, provided such goods, wares, etc', do not remain thereon for more than 3 hours.

(e) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Director of Public Works, who may require such materials to be protected by barricades or appropriate lights.

8.05 **MOVING BUILDINGS**. See chapter §14.10 of this Municipal Code for regulations on moving buildings.

8.06 **SNOW AND ICE REMOVAL**.

(1) SIDEWALKS TO BE KEPT CLEAR. The owner or occupant of any lot or parcel shall promptly each day remove snow and ice within 24 hours of accumulation upon the sidewalk of such lot or parcel, provided when ice has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. At least 4' of cleared sidewalk is required. If the owner or occupant fails to comply with this subsection, the Director of Public Works shall cause the snow or ice to be removed or sprinkled as required in this subsection, the cost thereof to be assessed against the property as a special tax.

(2) DEPOSIT IN STREETS RESTRICTED. No person shall cause to be deposited snow from his premises onto the sidewalk abutting thereon or onto any street in the Village. Violators of this subsection are subject to penalties as defined in §8.15 of this chapter.

8.07 **TREE PLANTING, PRUNING AND REMOVAL**

(1) PURPOSE AND INTENT. It is the intent of this code to promote and protect the public health and safety by regulating tree planning, pruning and removal.

(2) DEFINITIONS. The following terms shall have the meanings indicated in this section.

(a) Person. Any individual or entity.

(b) Public Area. Land owned, controlled, or leased by the Village of Valders, including but not limited to, road right-of-ways, terraces and park lands.

(c) Public Nuisance.

1. Communicable Disease. Any potentially fatal disease infecting trees growing on either public or private property that is capable of infecting other trees within the Village.

2. Hazardous Trees. Any tree that displays a loss in structural integrity, limbs and/or trunk, so as to represent a danger to the general public.

3. Insect Infestations. Existing insect populations that severely threaten the life of the tree(s) and have the potential to spread and cause damage to other trees with in the Village.

d. Terrace. The area between the sidewalk and street or where there is no sidewalk, the area between the right-of-way line and street.

e. Tree. Any single stemmed woody plant which reaches a mature height taller than 10 feet.

3. TREE BOARD.

a. Composition. The Village of Valders Tree Board shall be comprised of a minimum of three individuals.

b. Term of Office. Members shall be appointed by the Village President and confirmed by the Village Board. The term shall be a minimum of two years and terminated only if desired by member, at which time a new member would be appointed.

c. Compensation. No compensation shall be paid to members for their services, but they may be reimbursed for actual and necessary expenses incurred in performing duties outside the Village, if so authorized by the Village Forester.

d. Duties and Responsibilities. The Village Tree Board will be responsible for reviewing and making recommendations on urban forestry management policies, urban forestry budgets, and community education and awareness programs.

4. VILLAGE FORESTER. The Director of Public Works shall serve as Village Forester.

a. Responsibilities.

1. The Village Forester will be responsible for the administration of all maintenance activities, including planting, of all trees growing in public areas and the administration and enforcement of this section.

2. The Village Forester shall keep and maintain and make available copies of the Village's Tree Ordinances, Tree Maintenance Manual, and Comprehensive Planting Plan.

(3) The Village Forester shall issue and administer permits for the pruning, removal, and planting of trees on public areas by the adjacent property owner.

(5) PUBLIC NUISANCE ABATEMENT. The Village shall have the right in the interest of public health and safety and pursuant to its police power, to abate public nuisances as defined in this section as follows.

(a) Abatement Order. Upon investigation and determination by the Village Forester that a tree constitutes a public nuisance, the Village Forester shall cause to be served upon the property owner a written abatement order detailing the nature of the nuisance; the particular tree or trees affected; the method or manner of abatement (including wood disposal); and the date by which such abatement must take place.

(b) Appeal. If a property owner disputes the Abatement Order, such owner may appeal the Order. Such request shall be filed within 10 days of service of the Abatement Order and shall state the basis for the appeal. The appeal shall be heard within 30 days by the Tree Board. Written notice of the date and time of the appeal hearing shall be mailed by the Village Clerk to the property owner at least 10 days before the hearing. The property owner shall present his or her basis for the appeal. The Village Forester shall also appear to respond to the appeal as necessary. The committee shall affirm, reverse or modify the Abatement Order. Such decision shall be final and binding upon the property owner.

(c) Noncompliance. If a property owner fails to comply with the Abatement Order, or the decision of the committee upon appeal, then the Village may enter upon the property, or contract with a third party to enter upon the property to abate the nuisance by removing part or all of the affected tree or trees. The cost of such removal and disposal shall be assessed against the property on which was located the public nuisance.

(6) TREE MAINTENANCE.

(a) Publically Owned Trees.

1. Except as provided in subsection (7), the Village shall maintain any tree growing on public areas.

2. The Village shall utilize those standards for pruning of trees on public property as detailed in the Tree Maintenance Manual.

3. The Village shall routinely monitor and maintain adequate clearance for sidewalk and vehicular travel, traffic signs, lights and other structures.

4. The Village shall routinely survey and remove, or cause to be removed, those limbs of sufficient size to cause either bodily harm or property damage, that are dead, dying, or broken.

5. Utility Companies shall notify the Village Forester prior to the pruning of any tree on a public area for the purpose of maintaining utility line clearance. All pruning shall comply with the accepted arboricultural standards for line clearance and the Tree Maintenance Manual.

6. No person shall prune more than 20% and/or remove any tree on a public area without a permit, issued free of charge by the Village Forester. All pruning shall comply with the Tree Maintenance Manual.

7. Any person pruning or removing any tree on a public area shall be held liable to public property as the result of such pruning and/or removal.

(b) Privately Owned Trees. Persons who own property adjacent to public areas shall prune and/or remove any tree so as to maintain adequate clearance for sidewalk and vehicular traffic, traffic signs lights and other publically owned structures.

(7) TERRACE TREE PLANTING POLICIES.

(a) No person shall plant a tree in the terrace without first obtaining a permit, free of charge, from the Village Forester and shall follow the following procedures.

(b) No tree shall be planted in a terrace with a width of less than 5 feet.

(c) No tree shall be planted closer than 60 feet from the nearest road intersection.

(d) No tree shall be planted closer than 15 feet from the adjacent property's drive way approach.

(e) No tree shall be planted within 15 feet of a fire hydrant.

(f) No tree shall be planted within 15 feet of a utility pole.

(g) There must be 5 feet of clearance from underground utilities, including, water, sewer, electrical, cable, and telephone.

(h) Only tree species listed in the Tree Planting Manual shall be planted in the terrace.

(i) Upon receiving a planting permit, the property owner agrees to assume the responsibility of maintaining and caring for the trees planted and agrees to enter into a maintenance agreement with the Village. Tree maintenance includes, but is not limited to, maintaining adequate clearance as defined in Section 6. Property owner shall be given copy of Tree Maintenance Manual with permit issuance.

(j) The length of the maintenance agreement is for the life of the tree(s) planted within the terrace, including the eventual removal.

(8) TREE PLANTING ON PRIVATE PROPERTY. No person shall plant any trees, or shrubs within 3 feet of any property lines.

(9) REMOVAL, DESTRUCTION AND INJURY OF TREES IN PUBLIC AREAS. No person shall remove, destroy or injure a tree on a public area, other than in conformity of this section.

(10) VIOLATIONS AND PENALTIES. Any person who shall violate any provision of this chapter shall be subject to penalty as provided in 25.04 of this code. In addition, any person who violates subsection (8) shall also be liable for the replacement value of the subject tree, such replacement value to be determined by using the most current edition of the International Society of Arboriculture's Tree Appraisal formula, and in addition the cost of any tree appraisal services.

8.08 SPECIAL ASSESSMENTS FOR PUBLIC WORKS & IMPROVEMENTS.

(1) ALTERNATIVE PROCEDURE CREATED. Pursuant to the authority vested in it by §66.0701, the Village Board prescribes that in addition to other methods provided by law, special assessments for any public work or improvement or any current service may levied in accordance with the provisions of this section.

(2) INITIAL RESOLUTION. Whenever the Village Board determines to finance any public work or improvement or any current service, in whole or in part, by special assessments under this section, it shall adopt a resolution setting forth such intention and the time, either before or after completion of the work or improvement or letting of the contract therefore, when the amount of such assessments shall be determined and such assessments levied, the number of annual installments, if any, in which such assessments may be paid, the rate of interest to be charged on the unpaid balance and the terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property.

(3) ASSESSMENT AFTER WORK COMPLETED; REPORT. The provisions of §66.0703, shall apply to the levy of special assessments under this section, except that when the Village Board determined by resolution as provided in subsection (2) that the notice of and hearing on such assessments shall be held subsequent to completion of the work, improvement or rendition of the service, the report required by §66.0703, shall contain a statement of the final cost of the work, improvement or service in lieu of an estimate of such costs.

(4) NOTICE AND HEARING REQUIRED. Notice of the time and place of the public hearing on any special assessments proposed to be levied and notice of the final assessments in terms of payment thereof shall be given by the Village Clerk in accordance with the provisions of §66.0703 and subsection (2) by publication of a Class 1 notice under Chapter 985, Wis. Stats., in the assessment district and by mailing to every person whose property is affected by such special assessment and whose mailing address is known or can be determined with reasonable diligence.

(5) WAIVER OF NOTICE AND HEARING. The notice and hearing requirements in 66.0703 (7) (a) do not apply if they are waived, in writing, by all the owners of property affected by the special assessment.

(6) LIEN OF ASSESSMENT. Any 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.

(7) ASSESSMENT APPEALS. The provisions of §66.0707(3) and 66.0701, relating to appeals shall apply to any special assessment levied under this section.

8.09 **CURB AND GUTTER CONSTRUCTION.**

(1) The construction of curb and gutter shall be by special assessment pursuant to §8.08 of this chapter. Abutting property owners shall be assessed on a per foot frontage basis.

(2) Unless designated otherwise by the Village Board:

(a) The abutting property owners will be specially assessed for the curb and gutter on a foot frontage basis.

(b) The Village will pay for curb and gutter on side lots up to a maximum of 150'.

(c) The abutting property owners will have one year for the payment of such special assessment for curb and gutter in equal monthly installments.

(d) The notice and hearing requirements in 66.0703 (7) (a) do not apply if they are waived, in writing, by all the owners of property affected by the special assessment.

8.10-8.14 **RESERVED**

8.15 **PENALTY.** Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in §25.04 of this municipal code.