

TITLE IV: PUBLIC WORKS

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CHAPTER 1: GRADES

Section

- 4-1-1 Establishment of grades
- 4-1-2 Alteration of grade prohibited

§ 4-1-1 ESTABLISHMENT OF GRADES.

The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his or her office. No street, alley or sidewalk shall be worked until the grade thereof is established.

§ 4-1-2 ALTERATION OF GRADE PROHIBITED.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Almond by any means whatsoever unless authorized or instructed to do so by the Village Board. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alteration.

CHAPTER 2: STREETS AND SIDEWALKS

Section

- 4-2-1 Special street improvements and assessments
- 4-2-2 Sidewalk construction and repair

§ 4-2-1 SPECIAL STREET IMPROVEMENTS AND ASSESSMENTS.

(A) *General application.*

(1) The installation of any special street improvement shall be an exercise of the special taxing power or of the police power of the village as may from time to time be determined by the Village Board and the property served shall be assessed pursuant to the provisions of Wis. Stats. §§ 66.0701 and 66.0703.

(2) The total cost of any special improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, site preparation and restoration, damages occasioned by the special improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(3) The total assessment for any special improvement shall be based upon the total cost, as defined in division (2) above, and shall be apportioned among the individual parcels benefitted. The apportionment shall generally be computed on a lineal frontage basis unless the Village Board otherwise determines that extenuating circumstances require a different method of assessment.

(B) *Curb and gutter.*

(1) Curb and gutter shall be installed in accordance with specifications established by the Village Board.

(2) Special assessment for all new curb and gutter shall be levied at 100% of the total cost and replacement curb and gutter shall be levied at 50% of the total cost, or as determined by the Village Board.

(C) *Homeowner to pay one-half of cost.* Whenever the Village Board shall remove existing sidewalks permanently, the homeowner will pay one-half the cost of the sidewalk being removed and restoration of black dirt and seeding.

(D) *Assessments a lien.* All charges established in this section shall be direct liens upon the property improved.
(Am. Ord. passed 4-14-2003)

§ 4-2-2 SIDEWALK CONSTRUCTION AND REPAIR.

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

(B) *Permit required.* No person shall hereafter lay, remove, replace or repair any public sidewalk within the village unless he or she is under contract with the village to do the work or has obtained a permit therefor from the Village Superintendent at least 7 days before work is proposed to be undertaken. No fee shall be charged for such permits.

(C) *Specifications.*

(1) *Location.* The sidewalk shall be located in such places as designated by the Village Board.

(2) *Subgrading.* When cutting the subgrade, the material shall be excavated to a depth 2 inches below the underside of the concrete and brought to grade with sand. When filling is required, the subgrade shall be brought to proper grade in uniform layers not to exceed 6 inches in thickness and shall be thoroughly compacted mechanically.

(3) *Width and thickness of sidewalks and driveways.* All walks, unless otherwise provided for, shall have a standard width of 40 inches or consistent with abutting sidewalks with a transverse slope of 1/4 inch per foot toward the curb. The minimum thickness of any part of a walk shall be 4 inches and in places where driveways cross, shall have a minimum thickness of 6 inches.

(4) *Concrete.* All sidewalks shall be one course concrete construction, 6 bag mix, with 4-inch slump. The surface shall be struck, troweled and brushed in a uniform and even manner. Contraction joints shall be located transversely every 5 feet at a depth of 1/2 inch. Expansion joints shall be 1-inch thick and shall be located transversely at each property line, and in addition, 1 expansion joint shall be located at least every 20 feet.

(D) *New sidewalks.* Special assessments for all new sidewalks shall be levied at 50% of the total cost.

(E) *Width and thickness.* Residential walks shall be 4 feet in width and not less than 4-inches thick except within driveway approaches where the minimum thickness shall be 6 inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not

less than 8 feet in width and 5 inches in thickness except within driveway approaches where the minimum thickness shall be 7 inches.

(F) *Finishing*. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a 10-foot straight edge and any areas departing more than 1/8 inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.

(G) *Jointing*. Transverse, full depth, 1/2-inch thick expansion joints of premolded expansion material shall be located at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least 1 inch in thickness and 5/16-inch in depth, shall be placed at intervals of approximately 5 feet.

(H) *Curing and drying*. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, *Method of Test for Efficiency of Materials for Curing Concrete* shall be used. The specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 5u°F) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35°F in any 72-hour period or upon frozen subgrade.

(I) *Alteration*. These specifications shall be adhered to, unless altered by the Almond Village Board.

CHAPTER 3: DRIVEWAYS

Section

- 4-3-1 Approval required for driveway construction
- 4-3-2 Specifications for driveway construction
- 4-3-3 Permittee liable for damage or injury

§ 4-3-1 APPROVAL REQUIRED FOR DRIVEWAY CONSTRUCTION.

No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Village Board.

§ 4-3-2 SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.

(A) *Width.* No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.

(B) *Interference with intersections prohibited.* At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(C) *Interference with street.* No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall the driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Village Board to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his or her own expense.

(D) *Number of approaches limited.* No more than 1 driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Village Board. Any 2 approaches shall be at least 10 feet apart.

(E) *Workmanship and materials.* All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in § 4-2-2 of this code insofar as such requirements are applicable, including thickness requirements in § 4-2-2.

§ 4-3-3 PERMITTEE LIABLE FOR DAMAGE OR INJURY.

The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with requirements of § 4-2-3.

CHAPTER 4: STREET AND SIDEWALK EXCAVATIONS AND OPENINGS

Section

- 4-4-1 Permit required
- 4-4-2 Fee
- 4-4-3 Bond
- 4-4-4 Insurance
- 4-4-5 Regulations governing street and sidewalk openings
- 4-4-6 Excavation in new streets limited
- 4-4-7 Emergency excavations authorized
- 4-4-8 Village work excluded

§ 4-4-1 PERMIT REQUIRED.

No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Almond without first obtaining a permit therefor from the Village Board or its designee.

§ 4-4-2 FEE.

The fee for a street opening permit shall be \$5 and shall be paid to the Village Treasurer, who shall issue a receipt therefor.

§ 4-4-3 BOND.

(A) Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5,000 conditioned that he or she will indemnify and save harmless the Village of Almond and its officers from all liability for accidents and damage caused by any of the work covered by his or her permit, and that he or she 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 or she may make as near as can be to the state and condition in which he or she found it, and keep and maintain the same in that condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of 1 year, and that he or she will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board, and will repair any damage done to existing improvements during the progress of the excavation in accordance

with the ordinances, rules and regulations of the village. The bond shall also guarantee that if the village shall elect to make the street repair, the person opening the street will pay all costs of making the repair and of maintaining the same for 1 year.

(B) Recovery on the bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

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

§ 4-4-4 INSURANCE.

Prior to commencement of excavation work, a permittee must furnish the Village Board satisfactory written evidence that he or she has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than \$100,000 for 1 person, \$300,000 for 1 accident and property damage insurance of not less than \$50,000.

§ 4-4-5 REGULATIONS GOVERNING STREET AND SIDEWALK OPENINGS.

(A) *Frozen ground.* No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Village Board.

(B) *Removal of paving.* In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

(C) *Protection of public.* Every person shall enclose with sufficient barriers each opening which he or she may make in the streets or public ways of the village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his or her agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, 1 red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Village Board, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making the opening shall be held liable for all damages, including costs incurred by the village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his or her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

(D) *Replacing street surface.* In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which, in the opinion of the Village Board, is not suitable for refilling, shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of 1 year. In refilling the opening, the earth must be laid in layers not more than 6 inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The village may elect to have the village make the pavement repair for any street or sidewalk opening, in which case the cost of making the repair and of maintaining it for 1 year shall be charged to the person making the street opening.

§ 4-4-6 EXCAVATION IN NEW STREETS LIMITED.

Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, that determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after the determination by the Village Board, the Village Clerk shall notify in writing each person, utility, village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under the street or any real property abutting the street, that all such excavation work in the street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate the street for a period of 5 years after the date of improvement or repaving unless, in the opinion of the Village Board, an emergency exists which makes it absolutely essential that the permit be issued.

§ 4-4-7 EMERGENCY EXCAVATIONS AUTHORIZED.

In the event of an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under any street and his or her agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

§ 4-4-8 VILLAGE WORK EXCLUDED.

The provisions of this chapter shall not apply to excavation work under the direction of the Village Board by village employees or contractors performing work under contract with the village necessitating openings or excavations in village streets.

CHAPTER 5: SNOW AND ICE REMOVAL

Section

4-5-1 Snow and ice removal

§ 4-5-1 SNOW AND ICE REMOVAL.

The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Almond fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be, of snow or ice to the width of the sidewalk within 24 hours from the time when the snow ceases to fall and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, sawdust or sand. If the snow or ice is not removed, the Village Board shall cause such to be removed and shall report the cost of the removal to the Village Clerk who shall insert the cost in the tax roll as a special tax and lien against the premises.

Statutory reference:

Wis Stats. § 66.0907(5)

CHAPTER 6: OBSTRUCTIONS AND ENCROACHMENTS

Section

4-6-1 Obstructions and encroachments prohibited

§ 4-6-1 OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED.

(A) *Regulation.* 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 the encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he or she is the owner or occupant, except as provided in division (B) below.

(B) *Exceptions.* The prohibition of division (A) above shall not apply to the following:

- (1) Signs or clocks attached to buildings which project no more than 6 feet from the face of the building and which do not extend below any point 10 feet above the sidewalk, street or alley;
- (2) Awnings which do not extend below any point 7 feet above the sidewalk, street or alley;
- (3) Public utility encroachments duly authorized by state law or by the Village Board;
- (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided the goods, wares and the like, do not remain thereon for more than 2 hours;
- (5) Temporary encroachments or obstructions authorized by permit under division (B)(3) above; or
- (6) Excavations and openings permitted under Title IV, Chapter 4.

CHAPTER 7: TREES AND SHRUBS

Section

- 4-7-1 Trees to be kept trimmed
- 4-7-2 Hazardous and infected trees
- 4-7-3 Cottonwood and box elder trees prohibited
- 4-7-4 Planting of certain trees restricted
- 4-7-5 Trees and shrubbery obstructing view at intersection or view of traffic signs
- 4-7-6 Cost of planting, removal, maintenance and protection of trees and shrubs in terrace area
- 4-7-7 Injury to trees and shrubs prohibited
- 4-7-8 Adoption of state statutes

§ 4-7-1 TREES TO BE KEPT TRIMMED.

(A) Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which the trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and a clearance of not less than 10 feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public.

(B) Any tree not trimmed as herein provided shall be deemed hazardous.
Penalty, see § 1-1-7

§ 4-7-2 HAZARDOUS AND INFECTED TREES.

(A) Any tree or part thereof, whether alive or dead, which the Village Board shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which the tree or part thereof is located.

(B) The Village Board shall give written notice to the owner to remedy the situation which shall be served personally or posted upon the affected tree.

(C) The notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Village Board on the basis of the seriousness of the condition of the tree or danger to the public.

(D) If the owner shall fail to remove, treat or trim the tree within the time limited, the Village Board shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter the cost as special charge against the property. Penalty, see § 1-1-7

§ 4-7-3 COTTONWOOD AND BOX ELDER TREES PROHIBITED.

(A) No person shall plant or maintain within the Village of Almond any female tree of the species *Populus Deltoides*, commonly called the Cottonwood, or any tree commonly called the seed-bearing Box Elder or *Acer Negundo*, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance.

(B) Any person having any such trees on his or her premises shall cause the same to be removed.

(C) If any owner shall fail to remove any such tree within 30 days after receiving written notice from the Village Board, the Director shall cause the removal of the tree and report the full cost thereof to the Village Clerk who shall place the charge upon the next tax roll as a special charge against the premises. Penalty, see § 1-1-7

§ 4-7-4 PLANTING OF CERTAIN TREES RESTRICTED.

(A) No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village of Almond unless he or she shall first secure written permission from the Village Board, who shall not approve any such planting if, in his or her opinion, the tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system.

(B) The Village Board shall cause the removal of any tree planted in violation of this subsection. Penalty, see § 1-1-7

§ 4-7-5 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS.

(A) Notwithstanding any other provision of this chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of 2 or more streets or alleys in

the village, any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching the intersection.

(B) It is unlawful for any person to plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the village. It shall be the duty of every owner of the tree, bush, shrubbery or vegetation to remove the obstruction.

(C) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign, shall be deemed to be dangerous to public travel and the Village Board shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

Penalty, see § 1-1-7

§ 4-7-6 COST OF PLANTING, REMOVAL, MAINTENANCE AND PROTECTION OF TREES AND SHRUBS IN TERRACE AREAS.

The entire cost of planting, removal, Dutch Elm disease treatment of removal, maintenance and protection of trees and shrubs on all terrace areas in the village shall be borne by the abutting property owner, or as determined by the Village Board.

Penalty, see § 1-1-7

§ 4-7-7 INJURY TO TREES AND SHRUBS PROHIBITED.

(A) No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Board in the case of a terrace area tree, public tree or shrub do or cause to be done by others any of the following acts:

(1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub;

(2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub;

(3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same;

(4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer;

(5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades; or

(6) Cause or encourage any fire or burning near or around any tree.

(B) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the Village Board.

Penalty, see § 1-1-7

§ 4-7-8 ADOPTION OF STATE STATUTES.

Wis. Stats. §§ 27.09 and 86.03, are hereby adopted and incorporated herein by reference.

Penalty, see § 1-1-7

Statutory reference:

Wis. Stats. §§ 27.09 and 86.03