

ORDINANCE NO. 2009-2

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 8 OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO PUBLIC WORKS

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1: Chapter 8 of the Municipal Code is hereby repealed and recreated to read as attached hereto and incorporated herein by this reference as if fully set forth herein.

Section 2: This ordinance shall take effect immediately upon passage and posting as provided by law.

Dated this 2nd day of November, 2009.



Village President

COUNTERSIGNED:



Village Clerk

Date Adopted:	November 2, 2009
Date Recorded:	November 3, 2009
Date Posted:	November 3, 2009
Date affidavit filed:	November 3, 2009
Effective Date:	November 3, 2009

CHAPTER 8

PUBLIC WORKS

- 8.01 Sidewalk Construction and Repair
- 8.02 Sidewalk Specifications
- 8.03 Driveways
- 8.04 Sidewalk Excavations and Openings
- 8.05 Obstructions and Encroachments
- 8.06 Snow and Ice Removal
- 8.07 Curb and Gutter
- 8.08 Tree Trimming and Sanitation
- 8.09 Unlawful Dumping on Streets
- 8.10 Penalties

8.01 SIDEWALK CONSTRUCTION AND REPAIR

Whenever the Village Board shall by resolution determine in its discretion that it is in the best interest of the Village that a sidewalk needs be laid, rebuilt, repaired, lowered or raised along any public street, alley, or highway within the Village of Highland, it shall proceed according to Wis. Stats. sec. 66.0907; however, all costs of such construction and repairs shall be borne by the Village.

8.02 SIDEWALK, DRIVEWAY, AND APRON SPECIFICATIONS

(1) The following specifications pertain equally to concrete sidewalks, sidewalk ramps, aprons, and concrete driveways, whether the particular item of construction is mentioned or not.

(2) Materials. The concrete to be installed shall be a uniform workable mix using not less than 6 full bags cement per cubic yard and so proportioned to produce a compressive standard of not less than 4000 PSI. The mix shall not have more than 6 gallons of total water per bag of cement and shall have a slump of 2" to 5" as determined by standard methods. The concrete shall have not less than 5% nor more than 7% entrained air developed by an approved entraining agent.

(3) Preparation of sub-base. The sub-base upon which the sidewalk is to rest shall be 4 inches of compacted approved granular material and shall extend 6 inches outside the forms. Whenever wet, spongy or soft materials are encountered, such material shall be excavated and replaced with 6" of gravel. Prior to the placement of concrete the sub-base shall be thoroughly moistened or covered with plastic or bituminous paper.

(4) Placing concrete. The concrete shall be deposited to the proper depths, thoroughly consolidated, spaded against forms, struck off and finished to the required section. All sidewalks shall be not less than four feet wide nor less than five inches thick except at driveways where it shall be six inches thick. Replaced sections of sidewalk shall be installed to

match the plane of surrounding sections and shall not shrink or settle more than 1/2" (plus or minus) in one year. All sidewalks shall be pitched for drainage.

(5) Finishing. The face of the sidewalk shall be struck, trawled, or floated and finished with a broom finish. The edges adjacent to the edge forms shall be rounded with a 1/4" edger. Only enough pressure shall be used on the 1/4" edger to remove the sharp corners.

8.03 DRIVEWAYS

(1) Driveways Across Sidewalks. Any person who shall unilaterally construct or maintain any driveway(s) across any sidewalk and/or curb shall be responsible for the full cost of construction and maintenance and repair of that portion of the sidewalk and/or curb crossed by his driveway(s) and of all driveway aprons.

(2) Damaged Curb/Sidewalk. Any person who shall unilaterally damage any curb/sidewalk on existing property shall be responsible for the full cost of repair of that damage according to Village specifications in Section 8.02.

(3) 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.

(4) Interference With Street. No driveway apron shall extend out into the street further than the face of the curb and under no circumstances shall such 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 President to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

(5) 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 the requirements of Section 8.03(1).

8.04 EXCAVATIONS AND OPENINGS

(1) Permit Required. No person shall make or cause to be made any excavation or opening in any street or sidewalk, or under any utility wires, within the Village of Highland, without first obtaining a permit therefor from the Village Clerk. Said permit shall be issued without fee.

(2) Removal of Paving. In opening any sidewalk or street 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.

(3) Protection of Public. Every person shall enclose with sufficient barriers each opening which he may make in the sidewalks or streets of the Village. 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 such 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 employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind. No person shall cause any sidewalk or street to be blocked due to such excavation for a period of more than 48 hours.

(4) Replacing Sidewalk or Street Surface. In opening any sidewalk or street 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 President is not suitable for refilling shall be replaced with approved backfill material.

(5) Emergency Excavations Authorized. In the event of any emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street or sidewalk and his agent 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.

(6) Village Work Excluded. The provisions of this section 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.

8.05 OBSTRUCTIONS AND ENCROACHMENTS

(1) 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 ss. (2).

(2) Exceptions. The prohibition of ss. (1) shall not apply to the following:

(a) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk or street or fourteen feet above the alley.

(b) Awnings which do not extend below any point seven feet above the sidewalk or street or fourteen feet above the alley.

(c) Public utility encroachments duly authorized by state law or the Village Board.

(d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.

(e) There shall be no exception to ss. (1) hereof which is contrary to the Highland Zoning Ordinance.

8.06 SNOW AND ICE REMOVAL

(1) The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Highland 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 such sidewalk within 24 hours after the said snow or ice has accumulated and cause the same to be kept clear from ice and snow, provided that when ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust or sand.

(2) If snow or ice is not removed from sidewalks, as required by ss. (1) above, then the Village may remove or cause to be removed all such snow or ice and the person in charge of the premises from which the snow or ice was removed shall be charged for the Village's cost of such removal. If not paid within 30 days, such charge shall be placed on the tax roll as provided by Wis. Stats. sec. 66.0907(5).

8.07 CURB AND GUTTER

Whenever any existing curb and gutter shall be rebuilt, repaired, lowered or raised along any public street, alley or highway within the Village of Highland, the cost shall be borne by the Village of Highland except as outlined in Section 8.03(1).

(1) Trees to be Kept Trimmed. 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 such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than fourteen feet and a clearance of not less than ten 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. Any tree not trimmed as herein provided shall be deemed hazardous.

(2) Hazardous and Infected Trees. Any tree or part thereof, whether alive or dead, which the Officer in Charge 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, 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 such tree or part thereof is located. The Officer in Charge shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within such action must be taken, which shall be within not less than 24 hours nor more than fourteen days as determined by the Officer in Charge on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Officer in Charge 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 such cost as a special charge against the property under Wis. Stat. sec. 66.0627.

(3) Cottonwood and Box Elder Trees Prohibited. No person shall plant or maintain within the Village of Highland any female tree of the species Populus Deltoides, commonly called the "cottonwood," or any tree commonly called the seed bearing Box Elder of Acer Negundo, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. Any person having any such trees on his premises shall cause the same to be removed. If any owner shall fail to remove any such tree within thirty days after receiving written notice from the Officer in Charge, the Officer in Charge shall cause the removal of such tree and report the full cost thereof to the Village Clerk who shall place such charge upon the next tax roll as a special charge against the premises.

(1) It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave snow, ice, dirt, grass, leaves, 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.

(2) If snow, ice, dirt, grass, leaves, garbage or other offensive or noxious material is deposited or otherwise placed in any public street, sidewalk, alley, or upon any public property, as prohibited by ss. (1) above, then the Village may remove or cause to be removed all such snow or ice from such public property and the person in charge of the premises from which the

material was removed and subsequently placed on public property without consent shall be charged for the Village's cost of such removal. If not paid within 30 days, such charge shall be placed on the tax roll as provided by Wis. Stats. sec. 66.0907(5).

8.10 PENALTIES

(1) Any person who shall violate any of the provisions of this Chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense, Penalty. Any person who shall violate any provision of this Chapter subject to a penalty shall, upon conviction thereof, forfeit not less than \$5 nor more than \$200, together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, shall be subject to license suspension or contempt proceedings as provided by law.

(b) Second Offense, Penalty. Any person found guilty of violating any provision of this Chapter who shall previously have been convicted of a violation of the same provision shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution and, in default of payment of such forfeiture and costs, shall be subject to license suspension or contempt proceedings as provided by law.

(c) Schedule of Penalties To ensure uniformity and equal treatment of all persons who violate any provision of this Chapter, the forfeitures set forth in the following Schedule of Penalties shall be the penalty imposed unless, in the opinion of the officer issuing the citation or the Village Attorney, unusual circumstances exist which justify a different penalty.

VILLAGE OF HIGHLAND SCHEDULE OF PENALTIES FOR CHAPTER 8 VIOLATIONS (Add all court costs and surcharges to amounts listed)

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
8.02	Sidewalk Specifications	\$20.00	\$100.00
8.03	Driveways	\$20.00	\$100.00
8.04	Sidewalk Excavations and Openings	\$20.00	\$100.00
8.05	Obstructions and Encroachments	\$20.00	\$100.00
8.06	Snow and Ice Removal	\$10.00	\$ 50.00
8.08	Tree Trimming and Sanitation	\$10.00	\$ 50.00
8.09	Unlawful Dumping on Streets	\$10.00	\$ 50.00