

CHAPTER 8
STREETS AND SIDEWALKS

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8.01 OFFICIAL MAP. (1) INTENT. It is the intent of the Council to establish an Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness, and general welfare of the community; to further the property boundary lines; to insure proper legal descriptions and proper documenting of land; to facilitate adequate provision for transportation, parks, playgrounds and storm water drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

(2) OFFICIAL MAP. The Official Map shall show the location and extent of all platted and existing streets, highways, parkways, parks, and playgrounds within the City as heretofore laid out, adopted, and established by law. There is hereby established, as the Official Map of the City of Darlington, the Map dated November 18, 1980, recorded in the office of the Register of Deeds for Lafayette County. All notations, references, and other information shown thereon shall be as much a part of this section as though the matters and information thereon were fully described herein.

(3) CHANGES AND ADDITIONS. The Council may change or add to the Official Map so as to establish the exterior lines of, widen, narrow, extend or close any platted, existing, proposed, or planned streets, highways, parkways, parks, or playgrounds. The Council shall refer any change or addition to the Official Map to the Plan Commission for review and report thereon prior to adoption. The Plan Commission shall report their recommendation to the Council within 60 days. A public hearing of parties in interest and citizens before the Council shall be required before any changes or additions to the Official Map are effective. At least 15 days' notice of said hearing shall be required by publication. Changes and additions made by duly approved subdivision plats shall not require a public hearing if the changes or additions do not affect any land outside the area being platted.

(a) Map Amendments.

(b) Annexations.

1. Ord. #9-3-85 (Hwy. 81 West- Hedy Ruef);
2. Ord. #15-86 (East side of Clay Street-Nevel's);
3. Ord. #5-87 (Corner of Hwy. 23 & 81);
4. Ord. #5-95 (Ward 10 - Country View Heights);
5. Ord. #7-95 (Wards 8 & 9);
6. Ord. #1-98 (Hwy. F & Clay Street; Ward 10);
7. Ord. #2-2000 (15513 County Shop Road, Ward 9);
8. Ord. #3-2000 (Lots 1&4, Survey Map. No. 201, Ward 10);
9. Ord. #1-2002 (Hwy. 81 West- Business Park addition);
10. Ord.#04-2008 (Corner of Hwy. 23 & Hwy. 81);
11. Ord.#02-2009 (Co. Trunk F);

12. Ord.#03-2011 Land only where the road to the wastewater treatment plant is built on (Spring Street extension);
13. Ord.#2013-04 (Unattached Garage @ 100 Buena Vista);
14. Ord.#06-2013 (Dutcher property @ end of E. River St.);
15. Ord.#02-2018 (First addition of TID 8);
16. Ord.#03-2018 Meadows extension and all City owned land (Spring Street extension);
17. Ord.#03-2020 (Corner of Hwy. 23 & County Shop Rd.);
18. Ord.#01-2022 (Hwy 81 West- Business Park addition);

(4) BUILDING PERMITS. For the purpose of preserving the integrity of the Official Map, a building permit shall be required for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered. No permit shall hereafter be issued for any building in the bed of any existing or proposed street, highway, or parkway shown on the Official Map. No permit for the erection of any building shall be issued unless a street, highway, or parkway giving access to such proposed structure has been duly placed on this Map.

8.02 STREET AND SIDEWALK GRADES. (1) ESTABLISHMENT. The grade of all streets, alleys, and sidewalks shall be established by the Council and recorded by the Clerk-Treasurer in his office. No street, alley, or sidewalk shall be worked until the grade thereof is established.

(2) ALTERATION OF GRADE PROHIBITED. No person shall alter the grade of any street, alley, sidewalk, or public ground, or any part thereof in the City unless authorized to do so by the Council or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Clerk-Treasurer by the Clerk-Treasurer or the officer authorizing the alteration.

8.03 SPECIAL ASSESSMENTS FOR STREET AND UTILITY IMPROVEMENTS. (1) SIDEWALKS. All sidewalks shall be installed by the City or by a contractor employed by the City. The cost of laying sidewalks shall be borne by the abutting property owner and the cost of repairs shall be borne by the City.

(2) CURB AND GUTTER. The abutting property owner shall pay 3/4 of the cost of installation of curb and gutter and 1/4 shall be borne by the City.

(3) SEWER AND WATER. All sewer and water mains shall be installed by contractors employed by the City. The cost of installing sewer and water shall be borne by the benefiting property owners.

(4) SPECIAL ASSESSMENT PROCEDURE. Special assessments for street improvements shall be made pursuant to §66.60 or §66.62, Wis. Stats.

8.04 DRIVEWAYS. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Director of Public Works. No driveway shall be constructed except in accordance with specifications prescribed by the Director of Public Works.

8.05 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS. (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 City without first obtaining a permit therefor from the Director of Public Works.

(2) BOND. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Clerk-Treasurer an indemnity bond, approved by the Mayor, in the sum of \$1,000 conditioned that he will indemnify and save harmless the City 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 Director of Public Works for a period of one year, and that he will pay all forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Council, 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 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 violations during the period of excavation for which it is given.

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

(3) INSURANCE. Prior to commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory

written evidence that he has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than \$50,000 for one person, \$100,000 for one accident and property damage insurance of not less than \$25,000.

(4) 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 Director of Public Works.

(b) Removal of Paving. In opening any street or other public way, all paving or ballasting materials shall be removed within 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 may make in the streets or public ways of the City. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents, or employees. Flashing amber barricade lights shall be lit and operating while the trench is open and until the street is restored and made passable for vehicular traffic, at least three lights 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 Director of Public Works, 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 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.

(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 Director of Public Works 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 one year. In refilling the opening, the earth must be puddled or 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 City may elect to have the City make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

(5) EMERGENCY EXCAVATIONS AUTHORIZED. In an emergency any person owning or controlling any sewer, water main, conduit, or utility in or under any street and his 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.

(6) CITY WORK EXCLUDED. The provisions of this section shall not apply to excavation work under the direction of the Director of Public Works by City employees or contractors performing work under contract with the City necessitating openings or excavations in City streets.

8.06 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 sub. (2).

(2) EXCEPTIONS. The prohibition of sub. (1) shall not apply to the following:

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

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(b) Awnings which do not extend below any point 7 feet above the sidewalk, street, or alley.

(c) Public utility encroachments duly authorized by State law or the Council.

(d) Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than 3 feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than 2 hours.

(e) Temporary encroachments or obstructions authorized by permit under sub. (3).

(f) Excavations and openings permitted under sec. 8.05.

(g) Temporary signs shall be permitted on sidewalks within the business district according to the following standards and conditions:

1. Sign design and color scheme must be approved by the Plan Commission.
2. Maximum sign size shall be 24" wide and 48" tall.
3. Signs may be displayed on the sidewalk between 8 A.M. and 6:00 P.M.
4. No signs shall be placed in the street median.

(3) 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 Director of Public Works for the purpose of moving any building or structure 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 subsection and has obtained a building permit if required by this Code.

(b) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Clerk-Treasurer a bond in the amount of \$10,000, 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) Insurance. Prior to commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than \$50,000 for one person, \$100,000 for one accident, and property damage insurance of not less than \$25,000.

(d) Fee. The fee for a street privilege permit shall be \$10.

(e) 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 or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Director of Public Works for violation thereof:

1. Such temporary obstruction shall cover not more than 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.

3. Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than 4 feet in width guarded by a closed fence at least 4 feet high on both sides may be maintained during the period of occupancy.

4. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Director of Public Works, shall continue during all hours of the day and night.

5. No building or structure 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 shall be moved only in accordance with the route prescribed by the Director of Public Works.

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.

(f) Termination. All street privilege permits shall

automatically terminate at the end of 3 months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.

(4) REMOVAL BY CITY. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense thereof to the Clerk-Treasurer 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.

8.07 SNOW AND ICE REMOVAL. (1) RESPONSIBILITY OF OWNER OR OCCUPANT. The owner or occupant of a lot or parcel abutting on a sidewalk within the City shall clear said sidewalk of snow or ice to the width of the sidewalk within 24 hours of the cessation of any snowfall. If ice forms so that it cannot be removed, such person shall keep the sidewalks sprinkled with a material which will reduce the risk to pedestrians of slipping and falling on such sidewalk. Snow not timely removed and ice not timely removed or sprinkled shall be deemed a public nuisance as provided in sec. 13.05(12) of this Code.

(2) REMOVAL OF SNOW AND ICE BY CITY. In the event the owner or occupant fails to remove snow or ice in conformity with subsection (1), the Director of Public Works shall cause all snow and ice to be removed from such sidewalk and ice, if any has accumulated, sprinkled with sand or ice melt, without written notice to the individual property owner or occupant. The cost and amounts charged by the City for such snow and/or ice removal shall be set from time to time by a resolution setting forth a fee schedule of the Common Council. The costs and amounts shall be charged against the owner or occupant of the lot or parcel and shall be due and payable to the City within 30 days after the work is performed. Any amounts not paid within 30 days shall bear interest at the rate of 1% per month until paid. In its sole discretion, the City may charge any unpaid cost of snow or removal as a special tax against the property as provided in Wis. Statute § 66.0907(5).

(3) PENALTY. Any person or entity who violates the provisions of subsection (1) shall pay a forfeiture of not less than fifty dollars for the first violation within a snow season, beginning on November 1st and ending on April 30th the following year. For a second violation within a snow season, the forfeiture

shall be not less than seventy-five dollars, and for each violation thereafter within a snow season the forfeiture shall increase by twenty-five dollars from the previous violation.

(4) PLOWING OR THROWING SNOW AND ICE ONTO STREETS PROHIBITED. It is unlawful for any person or entity to plow, throw, put or cause to be thrown or put any snow or ice from private property onto or into any street, alley, or other public thoroughfare.

8.08 TREE PLANTING AND CARE. (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 occupant 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 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. Any tree not trimmed as herein provided shall be deemed hazardous.

(2) HAZARDOUS AND INFECTED TREES. Any tree or part thereof, whether dead or alive, which the Director of Public Works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the City, 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 such tree or part thereof is located. The Director of Public Works 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 which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Director of Public Works 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 Director of Public works shall cause the tree to be removed, treated, or trimmed and shall report the full cost thereof to the Clerk-Treasurer, who shall thereupon enter such cost as a special charge against the property.

(3) PLANTING OF CERTAIN TREES RESTRICTED. No person shall hereafter plant any tree in or upon any public street, parkway, boulevard or other public place within the City unless he shall first secure written permission from the Director of Public Works, who shall not approve any such planting if in his opinion said 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 or public utility. The Director of Public Works shall cause the removal of any tree planted in violation of this subsection.

8.09 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code.