

Title 6 - Chapter 2

Streets and Sidewalks

Section 6.2.1 Removal of Rubbish and Dirt from Sidewalks.

No owner or occupant shall allow the sidewalk abutting on his/her premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Common Council, or its designee, the City 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. 66.0703, Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

Section 6.2.2 Construction and Repair of Sidewalks.

- (a) **General Construction and Repair Authority.** The Common Council may determine that sidewalks be constructed, and establish the width, determine the material and prescribe the method of construction of standard sidewalks pursuant to the standards of this Section. The Common Council shall bid and award contracts for all sidewalk construction and reconstruction projects.
- (b) **License and Permit.** No person, party, firm or corporation may construct, alter, repair, replace, or reconstruct any sidewalk or driveway approach within the City without first obtaining a license to do so from the City Clerk, and having an approved permit on file. There shall be a fee for such license the first year and an annual renewal fee thereafter. The Common Council will establish the license fee, in accordance with the City's overall fee schedule.
 - (1) An individual in his or her own person may construct, modify, repair, or reconstruct a sidewalk or driveway approach in the public right-of-way abutting their property without such license, but must complete the permit and furnish an owner's bond as provided in section (c).
 - (2) The property owner is responsible for obtaining a sidewalk permit prior to beginning work described in this section, unless the work is being completed at the order of, and by the City or its agents. The Common Council will establish the permit fee in accordance with the City's fee schedule.
- (c) **Bonds Required.**
 - (1) **Contractor's Bond.** Every person, party, firm or corporation engaged in the business of constructing, modifying, destroying, removing or repairing sidewalks or driveway approaches, before the issuance of a license, shall provide a surety bond to the City of

Hillsboro in the sum of ten thousand (\$10,000.00) dollars. The bond shall guarantee that all work is performed in accordance with this and other applicable ordinances of the City of Hillsboro, and laws, rules and regulations of the State of Wisconsin, and which will indemnify the City for any damage to or obstruction of its public right-of-way, including its sanitary and storm sewers, and water mains.

- (2) **Owner's Bond.** Any person constructing, modifying, destroying, removing or repairing a sidewalk or driveway approach abutting their property shall furnish a surety bond similar to the contractor's bond listed above, except said bond shall only need be in the sum of two thousand (\$2,000.00) dollars. No bond is required when sidewalk work involves less than one hundred (100) square feet of area and when driveway approach involves less than fifty (50) square feet of area.
 - (3) **Insurance.** A condition of a sidewalk license shall be the furnishing of a Certificate of Insurance, containing a provision that the City Administrator must be notified twenty (20) days in advance of the effective date of any termination or cancellation thereof, which certificate shall indicate that there is, in full force and effect, a policy of public liability insurance and motor vehicle liability insurance for each motor vehicle used in conjunction with the licensed activity, issued by an insurance company licensed to do business in the State of Wisconsin, in the amount of at least three hundred thousand (\$300,000.00) dollars, protecting against claims involving death, personal injury or property damage.
- (d) **Cost of Sidewalks.**
- (1) **New Sidewalks.** Sidewalks required in new subdivisions and developments shall be paid for by the land divider pursuant to Title 14 of this Code of Ordinances. New sidewalks constructed in existing areas of the City shall be paid for by adjacent property owners.
 - (2) **Sidewalk Repair and Reconstruction.** It shall be the duty of the abutting property owner to construct, repair, and maintain sidewalks along or upon any street, alley, or highway in the City of Hillsboro as required by the Common Council and to pay the entire cost thereof. With the exception of minor repairs as indicated in this section, and declared emergencies, property owners will be given the opportunity to make the repair or reconstruction in his own person or contract for the repairs, provided all provisions of section 6.2.2 of this Code are in compliance.
 - (3) **Special Assessment.** In the event a property owner refuses or chooses not to complete the repair or reconstruction of sidewalk for which the homeowner has abutting property, the City will contract with the lowest responsible bidder for completion of the repairs or reconstruction and will pass along the charges to the responsible property owner in the form of a special assessment as permitted by Wisconsin State Statutes.
 - (4) **Assessment a Lien.** Said special assessment shall remain a lien on the premises until paid in full and shall be entered on the tax roll as a special tax as above provided and failure to pay when due shall result in the whole balance being immediately due and payable and collectible as a delinquent tax against the above described property and that all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special assessment.

- (5) **Installation Payments.** When the repair or reconstruction is being paid by way of a special assessment, the payments may be made in three (3) annual installments on the property owner's tax bill, as a special tax, if the total exceeds \$300.00. At the property owner's request, other installment plans may be worked out with the City in accordance with Wisconsin State Statutes. The City Administrator may authorize additional annual installments if the total exceeds \$1,000.00.
- (e) **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. All sidewalks constructed in the City shall conform to the line and grade established by the ordinances or resolutions of the City. Where no grade has been established as ascertained by the records, the City Engineer shall prepare and report a grade for the approval of the Common Council; and, when the same has been established, the City Engineer shall stake out the sidewalk as ordered by the Common Council. No sidewalk shall be laid under the provisions of this Section until a grade therefor has been established by the Common Council.
- (2) **Subgrade.** All earth, dirt and material shall be removed to a depth, not less than eight (8) inches, ten (10) inches across private driveways, below the grade line; and the space shall be filled with crushed stone, sand or gravel. The base shall be left four (4) inches thick after being tamped, with the stone or gravel to be not larger than one and one-half (1-1/2) inches in diameter and to be free from dirt, dust and foreign matter. Soft, porous and unsuitable subgrade material shall be removed and replaced with sand, gravel, or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. On embankments, the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.
- (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. The use of slip form machines is permitted. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. 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 Administrator or his/her designee before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-half (1/2) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a six (6) to twelve (12) inch strip of street property left between the property line and the edge of the sidewalk.
- (7) **Width and Thickness.**
- a. Residential walks shall be a minimum of five (5) feet in width and not less than four (4) inches thick, or shall match existing sidewalk width in that block. However, in driveway approaches, the minimum sidewalk thickness shall be six (6) inches. Such sidewalks shall have a grade one (1) inch higher than the adjacent curb on the curb side of the sidewalk. All such sidewalks shall be constructed eight (8) inches from the adjacent lot line. In the case of a laydown type curb, the pitch shall be one-half (1/2) inch per foot from the curb in the parkway to the sidewalk with a three (3) inch minimum.
 - b. Sidewalks in front of commercial or industrial establishments shall have a width as determined by the Common Council and be five (5) inches thick, except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (8) **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. Additional water shall not be placed on the concrete surface to make concrete workable. 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.
- (9) **Curing and Drying.** As soon as any of the concrete work herein before 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 Spec. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein.

- (10) **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.
- (f) **Repair or Replacement of Defective or Damaged Sidewalks.**
- (1) The Common Council shall have full discretion regarding whether a sidewalk is unsafe, defective, or insufficient and whether a sidewalk is to be repaired or replaced.
 - (2) The Common Council, or a City employee under the Council's direction, may use the following guidelines to help determine whether a sidewalk is unsafe, defective, or insufficient, and whether the sidewalk is in potential need of repair or replacement in accordance with this Section:
 - a. One-half (1/2) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).
 - b. One (1) inch horizontal distance between adjacent individual sidewalk blocks.
 - c. Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block.
 - (3) 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, irregardless of how such damage or defect may have occurred. If the property owner shall fail to so repair or remove and replace such sidewalk within twenty (20) days after service of the notice provided in Sec. 66.0907(3)(d), Wis. Stats., the Common Council or its designee 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 an emergency situation exists which is caused by a sidewalk in need of repair, the Common Council or its designee shall immediately direct the property owner to immediately make repairs. If the property owner shall fail to repair such sidewalk within the required period, the Common Council 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.
 - (4) **Repairs.** While balancing the safety factors along with the welfare and overall aesthetics of the City, the City may employ a grinding contractor in an effort to keep the costs down for those areas of sidewalk applicable. Grinding of a sidewalk to be in confromity with (f)(2)(a) of this section shall only be at the direction of the Director of Public Works. In no other instances is the grinding of a sidewalk permissible. Because concrete patches are neither visually appealing, nor practical in terms of durability and maintenance, concrete patches are strictly prohibited.
 - (5) **Minor Repairs.** Nothing in this Section shall apply to minor repairs, the cost of which does not exceed one hundred dollars (\$100.00); such repairs may be made at the direction of the City Administrator without notice, and the cost thereof may be charged to the abutting property owner in the same manner as provided in this Section for repairs.
- (g) **Notice.**

- (1) The City has an annual inspection program designed to determine what areas of sidewalk are in need of replacement. Each year either a portion or the entire area of the sidewalks located in the City are inspected to determine if there is any sidewalk in need of repair or replacement based on the condition.
 - (2) Each year, the City will publish in the official City newspaper a summary of the provisions for the laying, removing, repairing or replacement of sidewalk and identify those properties for which removal, repair or replacement is necessary. In addition, a letter will be mailed to the last known owner or agent of each property with instructions on how to identify the sections of sidewalk in need of either removal, repair or replacement, for which their property is abutting the sidewalk.
 - (3) If the property owner has not made the necessary repairs or replacement within twenty (20) days from the date of publication and mailing of the notice under subsection (g)(1), or other later date as specified in the notice, the City will make the necessary repairs in accordance with (f)(3) of this section.
- (h) **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.
- (i) **Penalties.**
- (1) **Failure to Obtain Permit.** Should any sidewalk work be commenced prior to the issuance of a permit, the property owner will be subject to a penalty as set by the City Council from time to time. .

State Law Reference: Sec. 66.0907, Wis. Stats.

Section 6.2.3 Curb and Gutter Construction.

All cement curb and gutter hereafter rebuilt or constructed in the City of Hillsboro shall be constructed according to the following specifications:

- (a) **Establishment.** No curb and gutter shall be worked until the grade thereof has been established according to the records on file in the office of the City Clerk. No person shall alter the grade of any curb and gutter within the City of Hillsboro by any means whatsoever, unless authorized or instructed to do so by the Common Council or the City Administrator.
- (b) **Owner to Construct.**
 - (1) **Petition to Build Curbs.** Whenever a petition of a majority of the abutting owners of property on any street is filed with the Common Council or when the Common

Council deems it necessary to order curbs to be laid upon any street, the Common Council may direct and order said work to be done.

- (2) **Resolution Required.** Upon the passage of a resolution by the Common Council ordering curbs to be laid on any street it shall become the duty of the abutting owner or owners to construct same in accordance with the existing ordinance, or in accordance with specifications contained in any ordinance or resolution adopted by the Common Council. Said curbs shall be constructed within thirty (30) days from the date of the written notice to be served on said residential owner or owners by the City Administrator and the publication of notice to non-residential owners published in the official City newspaper. If said curb shall not be laid within said thirty (30) day period the City Administrator shall forthwith build or cause to be built such curb and the cost thereof shall be charged to the respective properties and the cost of the same shall be collected as a special tax.
- (c) **Permit Required.** No person shall hereafter lay, remove, replace, or repair any curb and gutter within the City of Hillsboro unless he/she is under contract with the City to do such work or has obtained a permit therefor from the City at least three (3) days prior to the proposed construction. No fee shall be charged for such permit.
- (d) **Specifications.** All curb and gutter within the City of Hillsboro hereafter shall be repaired, rebuilt and constructed in accordance with Section 6.2.2.

Section 6.2.4 Excavations of Streets, Alleys, Public Ways and Grounds.

- (a) **Permit Required.**
 - (1) **Permit to Be Obtained.** 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 Hillsboro without a permit therefor from the City Clerk or City Administrator.
 - (2) **Fee.** The fee each application for a street opening permit shall be set by the City Council from time to time plus any actual City expenses. Applications may be made for multiple street openings on one (1) application form, at the set fee; however, each opening must be listed at the time the application is submitted to the City Administrator for approval. Permit fees shall be paid to the City Clerk who shall issue a receipt therefore. If the street opening is made prior to the receipt of an approved street opening permit from the City Administrator, the application and review fee as set by the City Council shall be applied plus any actual City expenses, including but not limited to street patching and repairs.
 - (3) **Execution of Permit.**
 - a. Permits will show the exact location of the work as to street or house number and the direction and length the trench will run.

- b. Permits will be issued only for the date and time specified, should digging take place other than the time indicated, the permit must be re-issued so all utilities will know of the new time.
- (4) **Permits for Extensive Digging.** When any utility will be doing any extensive digging, a blanket permit will be issued, however, the party doing the work must notify all other utilities concerned as to the location and time that work will take place so that the others may locate their property.
- (5) **Fee; Emergency Excavation.** In the event of an emergency excavation for the protection of property, life, health, or safety and as authorized in Section 6.2.4(h), there shall be no permit fee (except any actual City expenses shall be charged to the permittee) provided the application for the street opening permit is filed with the City Administrator within two (2) regular business days of the excavation in accordance with Section 6.2.4(h). If the permit application for the emergency excavation is not filed within two (2) regular business days, the application and review fee as set by the City Council shall be applied plus any actual City expenses.
- (b) **Application for Permit.** The application for a permit shall be in writing and designed by the applicant or his/her agent. The applicant shall submit to the City Clerk, 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 Clerk shall determine if sufficient information is submitted.
- (c) **City Work Excluded.** The provisions of this Section shall not apply to excavation work under the direction of City departments or 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 Subsection 6.2.4(a)(4) above.
- (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 Clerk. Permit renewals shall be issued at the discretion of the City Clerk.
- (f) **City Standards.** All street work by contractors shall be performed in accordance with the current standard specifications for street openings found in this Section. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- (g) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the City Clerk 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.
- (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 may be required to execute and deposit with the City a bond in the amount of Ten Thousand Dollars (\$10,000.00), conditioned that he/she will indemnify and save harmless the City of Hillsboro and its officers from all liability for accidents and damage caused by any of the work covered

by his/her permit, and that he/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/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the City Administrator for a period of one (1) year, and that he/she will pay all fines of forfeitures imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Common 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 (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.

- (2) 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 Administrator as necessary to adequately protect the public and the City.
 - (3) 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 City Administrator shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
 - (4) 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 determined by the City Administrator.
 - (5) Whenever the Common Council shall find that any such work has become defective within one (1) year of the date of completion, it shall give written notice thereof to the contractor or to his/her surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Common Council 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.
- (i) **Special Tax.** In the alternative to the procedures under Subsection (h) above, if any person shall open a street for the purpose of servicing a specific without first having obtained a permit, the Common Council of said City shall cause the same to be done at the expense of the lot owner, and the expense thereof shall be certified to the City Clerk by the council, and if said expense is not paid, it shall be carried into the tax roll as a special tax against the lot for which said opening was made.
 - (j) **Public Utilities.** All public utilities as defined in Sec. 196.01(5)(a), Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6.2.5, any and