

ORDINANCE NO. 6
PUBLIC WORKS

SECTION 6-1. Street and Sidewalk Grades. [Amended 11-1-2021]

- 1) Establishment. 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/Treasurer in his or her office. No street, alley or sidewalk shall be worked until the grade thereof is established; all existing grades and resolutions now on file are hereby incorporated in this ordinance.

- 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 Friendship by any means whatsoever unless authorized or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk/Treasurer by the Clerk/Treasurer or the Officer authorizing the alteration.

SECTION 6-2. Sidewalk Construction and Repair. [Amended 11-1-2021]

- 1) Owner to Construct. It shall be the duty of the abutting owner to join in and participate equally with the Village to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Friendship and to pay one-half the entire cost thereof. Whenever the Village Board shall by resolution determines that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Friendship, it shall proceed according to Sec. 66.615 of the Wisconsin Statutes.

- 2) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Friendship unless he is under contract with the Village to do such work or has obtained a permit therefore from the Director of Public Works at least 7 days before work is proposed to be undertaken. No fee shall be charged for such permits.

- 3) Specifications. All sidewalks within the Village hereafter shall be repaired, rebuilt, and constructed in accordance with the following specifications:
 - a. Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Village Board or its authorized representative, a sub-base of sand, sand and gravel, or other approved porous material shall be placed under the sidewalk. On embankments, the subgrade shall extend at least one foot beyond each edge of the sidewalk.
 - b. Material. All sidewalks shall be of air-entrained concrete composed of six bags per cubic yard of one-course construction and built to the established line and

grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.

- c. **Forms.** 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. Wood forms shall be surfaced plank of at least two-inch thickness, except for sharply curved sections. Metal forms shall be of approved sections. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. 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. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of 1/4 inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth-inch-radius edging tool.
- d. **Width and Thickness.** Residential walks shall be four feet in width and not less than four inches thick, 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 article. Sidewalks in front of commercial or industrial establishments shall be not less than eight feet in width and five inches in thickness.
- e. **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 ten-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.
- f. **Jointing.** Transverse, full depth, one-half-inch-thick expansion joints of premolded expansion material shall be located every 40 feet and at the property line, and where the walk intersects another walk, curblines, 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 above the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one inch in thickness and 5/16 inch in depth, shall be placed at intervals of approximately five feet. Steel division plates shall be placed at right angles to the center line of the sidewalk at intervals of not less than 15 feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Village Board or its authorized representative.
- g. **Curing and Drying.** As soon as any of the concrete work mentioned in this section 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 Specification C156-44T, Method of

Test for Efficiency of Materials for Curing Concrete, shall be used. The specifications are adopted by reference as if fully set forth in this section. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50° F.) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35° F. in any seventy-two-hour period or upon frozen subgrade.

SECTION 6-3. Driveways.

1) Approval Required. 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.

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 to or egress 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 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 existing structures on the right-of-way. When required by the Director of Public Works to provide adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
- d. Number of Approaches Limited. No more than one 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 Director of Public Works. Any two 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 Section 6-2(3) of this Code insofar as the requirements are applicable, including thickness requirements.
- f. 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 of the requirements of Section 6-2(3).

SECTION 6-4. Street and Sidewalk Excavating and Openings. [Amended 11-1-2021]

- 1) Permit Required. No person, contractor or franchise shall make or cause to be made any excavation or opening in or under any street, alley, highway, sidewalk or other public way within the Village of Friendship without first obtaining a permit therefor from the Director of Public Works.
- 2) Fee. A fee shall be paid for a street opening permit which shall be determined by resolution of the Village Board and posted in the office of the Village Clerk/Treasurer.
- 3) Bond. 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/Treasurer an indemnity bond, approved by the Village President, in the sum to be set by the Village Board conditioned that he will indemnify and save harmless the Village of Friendship 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 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 fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying 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. Such 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 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 Village Board as necessary to adequately protect the public and the Village.

- 4) 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 \$100,000 for one person, \$300,000 for one accident and property damage insurance of not less than \$50,000.
- 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 Director of Public Works.
 - 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. All work in Village streets must follow the current Manual on Uniform Traffic Control Devices. No permit shall be issued unless the method of construction and location of the work to be performed shall be such that the public safety and convenience will not be impaired. The person seeking the permit shall erect such barriers, warning lights and signs as to adequately inform the traveling public of the nature and location of the work being performed. 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 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.
 - 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 six 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 such repair and of maintaining it for one year shall be charged to the person making the street opening.
- 6) Excavation in New Streets Limited. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works 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 said street or any

real property abutting said street, that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Director of Public Works an emergency exists which makes it absolutely essential that the permit be issued.

- 7) Emergency Excavation 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 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.
- 8) Village Work Excluded. The provisions of this article shall not apply to excavation work under the direction of the Director of Public Works by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

SECTION 6-5. Obstructions and Encroachments. [Amended 11-1-2021]

- 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 six feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.
 - b. Awnings which do not extend below any point seven feet above the sidewalk, street or 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. Temporary encroachments or obstructions authorized by permit under sub. (3).
 - f. Excavations and openings permitted under Section 6-4 of this Chapter.
- 3) Street Privilege Permit.
 - a. When Required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village 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 Chapter 8 of the Village Code

- b. Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk/Treasurer a bond in an amount determined by the Village Board, conditioned that the applicant will indemnify and save harmless the Village of Friendship 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 Village resulting from such building or moving operations.
 - c. Fee. The fee for a street privilege permit shall be as determined by resolution of the Village Board and posted in the office of the Village Clerk/Treasurer.
 - d. 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:
 - i. Such temporary obstruction shall cover not more than one-third of any street or alley.
 - ii. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - iii. Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
 - iv. 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.
 - v. 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.
 - vi. Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.
 - vii. 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(s).
 - e. Termination. All street privilege permits shall automatically terminate at the end of three 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 Village. 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 Village 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.

SECTION 6-6. Snow and Ice Removal. [Amended 3-3-1980; 11-1-2021]

- 1) Sidewalks to be kept clear. The owner, occupant or person in charge of any lot or parcel in the Village of Friendship 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 snowfall ceases and shall cause the sidewalk to be kept clear from ice and snow, provided that when the ice has formed on a sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the sidewalk sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. If such snow, ice or debris is not removed, the Village shall cause said removal and that cost shall be assessed to the abutting property pursuant to the current state statutes. For purposes of this section, sidewalk shall include any handicapped access ramps between the sidewalk and roadway.
- 2) Illegal Deposit of Snow or Other Substances. Property owners or commercial snow removal operators are hereby prohibited from the placing, depositing, plowing onto, or otherwise putting snow or other substance onto the traveled portion of a public or private roadway or other property which endangers the safety of persons traveling such roadway or property. Village or Adams County employees while engaging in snow removal operations or acting in the performance of their position are exempt from this section. It shall be unlawful to throw, deposit or dump snow or ice on any street, highway or any public place within the Village of Friendship.

SECTION 6-7. Tree Trimming and Sanitation. [Amended 11-1-2021]

- 1) Trees to be Kept Trimmed. Trees standing in or upon any lot or land adjacent to any public street or place, 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 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 provided in this section shall be deemed hazardous.
- 2) Hazardous and Infected Trees. Any tree or part thereof, whether alive or dead, 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 Village, or to be injurious to sewers, sidewalks or other public improvements, and growing upon public or private property shall be removed, trimmed, or treated by the owner of the property upon or adjacent to which such tree or part thereof is located.
 - a. The Director of Public Works shall give written notice to the 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.

- b. If the owner fails to remove, treat or trim the tree within the time limit, the Director of Public Works shall cause the tree to be removed, treated, or trimmed and shall report the full cost thereof to the Village Clerk/Treasurer, who shall thereupon enter such costs as a special charge against the property.
- 3) Cottonwood and Box Elder Trees Prohibited. No person shall hereafter plant or maintain within the Village of Friendship any female tree of the species *Populus celtoides*, commonly called the "Cottonwood" or any tree commonly called the "seed-bearing Box Elder" or "Ace 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 30 days after receiving written notice from the Director of Public Works, the Director shall cause the removal of such trees and report the full cost thereof to the Village Clerk/Treasurer who shall place such charge upon the next tax roll as a special charge against the premises.
 - 4) Planting of Certain Trees Restricted. No person shall hereafter plant any permanent tree, shrub or plants, as well as install permanent type landscaping in or upon any public street, parkway, boulevard or the public right-of-way within the Village of Friendship, without a permit or approval from the Director of Public Works, who shall not approve any such planting if in their 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. For purposes of this Section, the Director of Public Works shall have the powers and duties of a Village Forester under Wis. Stat. 27.09, and shall cause the removal of any tree planted in violation of this subsection.

SECTION 6-8. Penalty. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$1.00 and not more than \$200.00, together with the costs of prosecution, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense, where applicable. Where applicable in this Chapter, a separate offense shall be deemed committed during each day or part thereof during which a violation occurs or continues.

SECTION 6-9. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provisions of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION 6-10. Effective Date. This ordinance shall take effect and be in force from and after its passage and publication.

Adopted by the Village Board this 1st day of November, 2021.



Antone Sindelar, Village President

ATTEST:



Linda Hogan, Village Clerk/Treasurer

Published: 11/10/2021