

Chapter 70

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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* **Cross References**--Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street, alley or public way in the village saved from repeal, § 1.110(4); any ordinance establishing and prescribing the street grades of any street in the village saved from repeal, § 1.110(9); any ordinance providing for local improvements saved from repeal, § 1.110(11); any ordinance establishing grades, curblines and width of sidewalks in public streets and alleys saved from repeal, § 1.110(15); any ordinance regarding the lighting of streets and alleys saved from repeal, § 1.110(16); any ordinance regarding construction of public works saved from repeal, § 1.110(21); buildings and building regulations, ch. 14; house and building numbering, § 14.129 et seq.; hawkers, peddlers, transient merchants, § 18.125 et seq.; mobile homes, ch. 46; parks and recreation, ch. 58; planning commission, ch. 62; subdivision regulations, ch. 74; required subdivision improvements, § 74.112 et seq.; design standards for subdivisions, § 74.126 et seq.; taxation and special assessments, ch. 78; traffic and vehicles, ch. 82; utilities, ch. 86; vegetation, ch. 90; zoning, ch. 94.

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ARTICLE I. IN GENERAL

Sec. 70.100. Streets and alleys.

The provisions of Wis. Stats. § 62.16 relating to the construction, improvement and repair of streets and alleys, so far as applicable to the village, are adopted by reference in this section as if fully set forth.

(Code 1982, § 8.08)

Sec. 70.101. Licenses and fees.

No person shall engage in any excavation or construction in, on, under, above or across any street, sidewalk or public property without first obtaining a permit established in the village schedule of licenses and fees and payment of any required fees.

Sec. 70.102. Rubbish.

No person shall deposit or place or cause or permit to be deposited or placed in, upon or over any sidewalk, street, alley, roadway or other public grounds within the limits of the village any brush, fence, wood, dirt, stone, rubbish, glass, bottles, crockery, nails, tacks, pieces of metal, wire, briars, thorns or other articles or obstructions that would in any way interfere with the convenient or intended use of the sidewalk, street, alley, ditch, roadway or other public ground by the public or would be liable to injure or damage any person or animal or the wheels or tires of bicycles or any vehicles that have wheels with rubber or pneumatic tires.

(Code 1982, § 8.10(2))

Cross References--Solid waste, ch. 66.

Sec. 70.103. Removal of obstructions.

Whenever there shall be any fence, barrier or any such items of rubbish, etc., upon or over any sidewalk, street, alley or roadway or other public grounds in the village, the board may make an order directing the owner or the person having or claiming to have the care, custody or control of the material, or the person who placed or caused same to be placed upon or over any such sidewalk, street, alley, roadway or other public grounds, to remove the material by a certain day (to be not less than five nor more than 30 days from the date of service of such order). It shall be the duty of the chief of police, or person authorized to perform his duties, to serve a copy of the order upon the person

against whom the order is directed, by delivering to him a copy of the order; and it shall be the duty of such person to remove such material, or cause it to be removed, at his own expense within the time limited in such order.

(Code 1982, § 8.10(3))

Sec. 70.104. Depositing snow removal.

It shall be unlawful for any person to push or deposit snow, or cause snow to be pushed or deposited from his own personal driveway or parking area into the public streets and/or right-of-way so as to cause a nuisance or obstruction. The village may cause such deposits of snow to be removed from the street, and the cost of such removal shall be charged to the property owner.

(Code 1982, § 8.10(4))

Sec. 70.105. Building material.

No person shall place or cause to be placed any job trailer, dirt, coal, stone, timber, planks, boards or other materials for building or otherwise in or upon any sidewalk, street, alley, right-of-way or public square without first securing a Street Privilege for Construction Materials permit from the Village. The area shall be barricaded per Sec. 70.123 of this code. Permit and review fees for Street Privilege for Construction Materials permit is provided for in the Village fee schedule. A double permit fee shall be charged by the Building Inspector if any of the above materials are placed in or upon any sidewalk, street, alley, right-of-way or public square before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter. Failure to obtain a permit and remove the above materials shall be punished by a minimum fine of \$75, not to exceed \$500. Each day the condition exists shall constitute a new and separate offense.

(Code 1982, § 8.10(1); Ord. of 3-21-2008)

Cross References--Buildings and building regulations, ch. 14.

Sec. 70.106. Providing roadways; subdividing acre lots.

(a) *Dimensions and house numbers required.* No platted lot, subdivided as such, shall be redivided in the village unless the owner of the lot shall provide the board with a surveyor's plat showing such redivision, the surveyor's plat to show the dimensions of all parcels contained in the plat, and unless the surveyor's plat shall also have provided for and contained the correct street and house number of the respective parcels, which street

and house numbers shall have been secured from the proper authorities in the village, or the director of public works.

(b) *Conveyance to village before construction of roadway or highway.* If any street, roadway or highway is laid out, provided for or constructed, either adjoining or running through any land in the village, the owner shall install the street, utility improvements and other improvements to village specifications prior to any such land being donated, dedicated or quitclaimed to the village.

(Code 1982, § 8.11)

Cross References--Required improvements, § 74.112 et seq.

Sec. 70.107. Assignment of road names.

In accordance with Wis. Stats. § 81.01(11), which requires the assignment of names for each road under the village's jurisdiction, the road names as shown on the official village map are assigned. The board shall annually approve the official village map.

(Code 1982, § 8.15)

Sec. 70.108. Street and sidewalk grades.

(a) *Establishment.* The grade of all streets, alleys and sidewalks shall be established by the board by resolution; and such grades shall be kept on file in the office of the director of public works. No street or alley shall be worked until its grade is established.

(b) *Altering grade prohibited.* No person shall alter the grade of any street, alley, ditch, sidewalk or public ground unless authorized or instructed so to do by the board or the director of public works.

(Code 1982, § 8.01)

Sec. 70.109. Width of highways or streets.

All streets, highways and roads within the village shall be established, constructed and laid out having a width of 66 feet unless written approval to do otherwise is first obtained from the board.

(Code 1982, § 8.02)

Sec. 70.110. Responsibility for the expenses and costs of sidewalk construction, repair, or replacement.

(a) The cost of original sidewalk construction and repaired or replaced sidewalks shall be borne by the Village when included as part of a Village-initiated project (as delineated on the current "Sidewalk and Trail Areas" map), except as described in paragraphs (b) and (c) below.

(b) The cost of original sidewalk construction included as part of the public improvements in a new subdivision or other privately initiated project shall be borne entirely by the developer or person(s) responsible for initiating the project.

(c) The cost of repaired or replaced sidewalks shall be borne by the owner of the premises upon which the sidewalk abuts where said repairs or replacements are required as a direct result of modifications to the abutting property or negligence of the abutting property owner. (See section 70.112 for property owner responsibilities.)

(Code 1982, § 8.06; Ord. of 5-6-2002; Ord. 3-7-2009)

Sec. 70.111. Compulsory repair of sidewalks due to modifications or negligence of abutting property.

(a) *Board may order.* The board may order any sidewalk that is unsafe, defective or insufficient to be repaired or removed or replaced with a sidewalk in accordance with the standards fixed by the board.

(b) *Notice to property owner.* A copy of the ordinance, resolution or order directing such laying, removal, replacement or repair shall be served upon the owner of each lot or parcel of land in front of which such work shall have been ordered by the board by personally delivering the same to the owner or their agent or pursuant to Wis. Stats. § 66.615 or by publishing as a class 1 notice per Wis. Stats. ch. 985.

(c) *Default of owner.* Whenever any such owner shall neglect for a period of 20 days after such service to lay, remove, replace or repair any such sidewalk, the village may cause such work to be done at the expense of such owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder, unless otherwise provided by the board, pursuant to Wis. Stats. § 62.15.

(Code 1982, § 8.07; Ord. of 3-7-2009)

Sec. 70.112. Cleaning of sidewalks.

The owner of property or the party in possession of the property abutting on any sidewalk shall, without notice and at all times, keep such abutting sidewalk clean and free from debris, dirt, sweepings, obstructions and clear of snow and ice and shall not deposit or place any sweepings or debris or other foreign matter upon the sidewalk, or in the street. Snow and ice shall be removed within 48 hours. If any owner shall fail or neglect to keep any sidewalk free of debris, dirt, sweepings, obstructions, snow or ice, the Village may proceed to clear such sidewalk and shall charge the expense, as defined by the Village Board in the village schedule of fees, thereof as a special tax against the premises to be collected as other taxes on real estate. The Village may, but shall not be required to, give notice to the owners of the property before providing for the Village to clear such walks.

(Code 1982, § 8.05, Ord. of 5-24-2007)

Sec. 70.113. Driveways.

(a) *Permit required.* Any person installing a driveway shall obtain an installation permit from the building inspector. Upon issuance of the permit, the engineer shall prescribe the grades acceptable for satisfactory drainage. The permit fee shall be as set under the schedule of licenses and permit fees.

(b) *Application.* Application for a permit to construct a driveway shall be made in writing to the building inspector and shall describe the property and the street where the driveway will be constructed.

(Code 1982, § 8.03)

Sec. 70.114. Regulation of rural mailboxes.

(a) *Must conform to regulations of postal and village authorities.* No rural mailbox shall be set, established or maintained unless it shall conform in all respects to the regulations of the United States postal authorities and the department of public works.

- (1) Roadside receptacles shall be located on the mail route side of the road.
- (2) Boxes shall be built and erected in accordance with the United States Postal Department recommendations for mailbox mounting, support and location.
- (3) The use of heavy metal posts, concrete posts, milk cans, plows, etc., are strictly forbidden because when struck by a vehicle they can cause serious damage to the vehicle and its occupant(s). The ideal support is an assembly which, if struck, bends or falls away from the striking vehicle. Receptacles must be so constructed and attached to the proper support as to withstand flying snow and ice from snow plows. The use of a semi-arch or extended arm

type support is suggested to allow snow plows to sweep under the box and remove the snow without damage to the support and provide easy access to the box by carriers and owners.

(b) *Installation dimensions.* Standards, posts or other devices for the placement of a rural mailbox shall be set with the following dimensions dependent on the type of existing street surface at a specific location.

(1) The front edge of all roadside receptacles shall be measured on a line perpendicular to the outside edge of the road surface(s). The outside edge of the road surface(s) for various situations is as follows:

a. *Pavement, curb and gutter.* The top of the back of the curb for vertical and horizontal measurement.

b. *Pavement with gravel shoulder.* The edge of pavement for horizontal measurements and the outside edge of the shoulder for vertical measurements.

c. *Gravel.* The outside edge of the shoulder for vertical and horizontal measurements.

(2) Minimum measurements from outside edge of road surface:

<i>Type of Road Surfaces</i>	<i>Pavement, Curb and Gutter</i>	<i>Pavement and Gravel Shoulder</i>	<i>Gravel</i>
Horizontal measurements:			
Front of receptacle	6"	3'0"	1'0"
Nearest face of support	2'2"	4'4"	3'3"
<i>Type of Road Surfaces</i>	<i>Pavement, Curb and Gutter</i>	<i>Pavement and Gravel Shoulder</i>	<i>Gravel</i>
Vertical measurements:			
Bottom of receptacle	38"	44"	44"

(3) Receptacle supports shall be buried no less than 3'0" in depth measured from the ground surface.

(4) The department of public works shall provide standard drawings to clarify the requirements of this section.

(c) *Grouping.*

- (1) Roadside receptacles shall be grouped as the Village of Weston Street Department shall from time to time determine and order. In making such determination, the Village of Weston Street Department shall require the location of newspaper tube and other receptacles which are designated or used for the receipt of newspapers, pamphlets, literature, packages, or other similar material to be located on or as near as possible to the mail boxes.
- (2) Upon any determination of the Village of Weston Street Department that certain roadside receptacles should be grouped in a particular location, the Village of Weston Street Department shall order any person affected by such determination in writing by certified mail, return receipt requested, to the last known address, to comply with the determination of the Village of Weston Street Department within 30 days from the date of notice. Such order shall specify the number of receptacles to be grouped, the name(s) of the person(s) whose receptacles are being grouped, and the precise location of such grouped receptacles.
- (3) Receptacles [are the] responsibility of the appurtenant landowner. Roadside receptacles are permitted to be constructed as a matter of convenience to the appurtenant landowners or occupants, not as a right. It is the obligation of the owner of the appurtenant landowner to construct the receptacle as specified by this section. Further, it is the appurtenant landowner's obligation to repair or replace roadside receptacles in the event they are damaged due to maintenance of the roadway for activities such as, but not limited to, snow plowing, grading, and street cleaning, by village personnel. Pursuant to Wis. Stats. § 86.04, an appurtenant landowner may be required to remove a receptacle for failure to comply with this section.

(d) *Penalty.* Any person violating any portion of this section shall be subject to section 1.111.

(Code 1982, § 13.03; Ord. of 5-15-2000, § 1)

ARTICLE II. EXCAVATIONS

Sec. 70.115. Permit required.

An excavation permit shall be obtained from the operations manager before any applicant shall excavate, dig upon or in, or remove any tree or material from any public street, alley, boulevard, sidewalk or right-of-way within the village. The excavation permit shall be obtained for each property owner for whom the work is to be performed and for each village road involved. All excavation permits expire 30 days from the date

of issuance. An application fee provided in the village schedule of licenses and permit fees per application is required and shall accompany each application for permit.

(Code 1982, § 8.09(1))

Sec. 70.116. Form of application.

(a) The application required in section 70.115 shall provide for such information as shall be required, including but not limited to:

- (1) The purpose of the proposed excavation.
- (2) Location (legal description or street number) of the premises where the excavation is to be made.
- (3) The name and residence of the owner of the premises.
- (4) The type of surfacing on the street in which the excavation is proposed to be made.
- (5) The maximum depth of the proposed excavation.
- (6) The name and address of the applicant.
- (7) The signature of the applicant.
- (8) Starting and completion dates.

(b) If permission to excavate is granted to the applicant, he shall be bound and agreed to the following:

- (1) Place or cause to be placed suitable and adequate warning and safety devices, barricades and lights, in such places, in such quantity and of such kind or nature as stipulated in section 70.123, so long as such excavation is unsurfaced or remains a hazard.
- (2) Open the excavation by neat saw joints through the asphalt surface course.
- (3) Close and backfill each excavation and replace the surface of the street in accordance with section 70.124.
- (4) Indemnify and hold harmless the village from all costs, damages and liabilities of every kind, including all expenses and costs of defending any suit for damages, on account of any claims, valid or otherwise, as to which it is

claimed or alleged by any claimant that the excavation was the sole or a contributing cause.

- (5) Upon demand by the board, procure and keep in effect, until all hazards to traffic caused by such excavation have been removed and terminated, a policy of insurance against liability to third persons for any damages growing out of negligence in the making, guarding, backfilling or resurfacing of the excavation with limits set by the board from time to time.

(Code 1982, § 8.09(2))

Sec. 70.117. No opening in frozen ground.

Where an excavation is done by others than the village, no openings in the streets will be permitted when the ground is frozen except for an emergency, such necessity to be determined by the director of public works and the board.

(Code 1982, § 8.09(3))

Sec. 70.118. Notification of excavation.

An applicant who has been authorized to excavate or dig in accordance with the terms of this article shall notify the public works department of the date on which he will begin excavation, and the time required to complete the work. No excavation authorized under this article may be initiated until such notification has been made.

(Code 1982, § 8.09(4))

Sec. 70.119. Traffic control.

If the excavation requires the rerouting or detour of traffic, the contractor shall provide all signs, barricades, lights and traffic control. All detours shall be approved by the director of public works.

(Code 1982, § 8.09(5))

Cross References--Traffic and vehicles, ch. 82.

Sec. 70.120. Report of utility pipes required.

While excavating, any person who shall uncover, strike, disturb or discover any pipe, conduit casing or other object used to transmit gas, water, sewage, telephone,

electrical current or cable television shall immediately report that fact to the appropriate utility before progressing further with the excavation or removal. Where there may be damage to life or property, the report shall also be made to the local police and fire departments.

(Code 1982, § 8.09(6))

Sec. 70.121. Surety bond required.

The contractor shall execute and file with the clerk and keep in effect a corporate surety bond in a sum set by the board from time to time, conditioned upon the timely and faithful performance of all conditions prescribed by law and all laws and ordinances applicable with respect to all permits issued to the applicant.

(Code 1982, § 8.09(7))

Sec. 70.122. Bond proceeds.

The contractor shall immediately, after verbal or written notification by village officials, correct violations of this article. If there is a failure to correct such violations within a reasonable amount of time, particularly where a violation may endanger public safety, the village shall cause the violation to be corrected and shall bill the contractor for the actual cost, plus a penalty as provided by the board.

(Code 1982, § 8.09(8))

Sec. 70.123. Barricades.

All barricades shall comply with the following standards:

- (1) Barricades and construction warning signs shall be constructed, marked and reflectorized in conformance with the state manual of uniform traffic control devices, latest edition and revisions.
- (2) All barricades used at night shall be lighted with a minimum of one flasher for each barricade.
- (3) A construction warning sign, illuminated with at least one light or flasher, shall be placed adjacent to the roadway approximately 200 feet in advance of the barricaded area.
- (4) Each barricade shall have the contractor's name, address and telephone number marked prominently on the barricade. The telephone number shall be

such that the contractor or his authorized representative can be reached 24 hours per day.

(Code 1982, § 8.09(9))

Sec. 70.124. Trench backfilling.

The trench backfilling shall be accomplished as follows:

- (1) The backfill from the bottom of the conduit to an elevation one foot above the conduit shall be fine granular material carefully placed by hand and well tamped to fill completely all the spaces under and adjacent to the conduit so as to form a bed that will preclude subsequent settlement. Compaction shall achieve at least 95 percent of maximum dry density at optimum moisture as determined in accordance with the Standard Method of Test for the Moisture Density Relations of Soils, AASHTO Designation T 180-74.
- (2) a. The remainder of the backfilling may consist of suitable native soils with proper moisture content for maximum compaction. The contractor shall have a vibratory type compactor approved by the director of public works before starting to backfill. The backfill shall be uniformly compacted to at least 90 percent of maximum dry density, except for the upper three feet, which shall be compacted to at least 95 percent of maximum dry density at optimum moisture as determined by the Standard Method of Test for Moisture-Density Relations of Soils, AASHTO Designation T 180-74.

b. All roots, debris, rocks greater than six inches in diameter, frozen material or other unsuitable materials that in the opinion of the director of public works may cause interference with the compaction requirements shall not be used in the backfill and shall be disposed of elsewhere by the contractor; and unsuitable materials shall be replaced with suitable granular materials approved by the director of public works.

c. This backfilling shall be made immediately after placing the hand backfill and shall be accomplished by placing and compacting in layers, not to exceed eight inches in depth.
- (3) All who excavate in the public right-of-way, except those included under subsection (4) of this section, shall be responsible for trench backfilling and the placement of the two-inch temporary asphalt patch as described in subsections a.--c. of this subsection; in addition, they shall remit in advance of receiving the excavation permit, the cost of the permanent pavement repairs as described in section 70.126.

- a. The contractor shall complete the compacted backfill to an elevation six inches below the finished street grade and immediately place six inches of compacted gravel surface course equal in quality to that which is existing.
- b. The contractor shall complete the compacted backfill to an elevation two inches below the finished street grade and immediately place a minimum of two inches of compacted asphalt surface course on the street.
- c. Immediately after placement of the surface course, the area shall be cleaned and left in a safe and satisfactory manner and the street opened to traffic.

(4) a.

Major utility companies, including but not limited to Wisconsin Fuel and Light Company, General Telephone Company, and Wisconsin Public Service Corporation and their subcontractors, shall be responsible for the backfilling of the trench and the permanent pavement repair.

b. Major utility companies responsible for the permanent pavement repair shall compact the trench backfill as described in subsections (1) and (2) of this section; and in addition, the compacted backfill shall be completed to an elevation where a minimum of six inches of state-graded base course shall be placed and compacted, followed by a placement of a minimum two-inch hot mixed asphalt pavement or a thickness equal to the existing pavement.

(5) The permanent repair shall be to the satisfaction of the director of public works or his designee. Settling of the permanent patch (regardless of who installed the permanent pavement) within one year from the date of trench backfilling shall be construed as evidence of poor compaction, and the contractor who backfilled the trench and his surety shall be responsible for the cost and satisfactory performance of a replacement patch. If after notification by the village the contractor fails to recompact the backfill and replace the pavement patch, the village shall perform the work and bill the contractor or his surety for the actual cost plus a penalty set by the board. Each successive replacement patch by the contractor shall be subject to satisfactory performance for a period of one year.

(6) The contractor shall not begin any excavation on any arterial street in travel lanes within the village before 9:00 a.m. and shall have such excavation backfilled and complete with the asphaltic interim pavement before 4:00 p.m., and barricades removed. If underground work cannot be completed by 4:00 p.m., the contractor shall make provisions to place a temporary bridge over the excavation that will allow traffic to utilize the travel lane, unless specific permission is granted by the director of public works to allow barricades to remain.

(Code 1982, § 8.09(10))

Sec. 70.125. Compaction control tests.

The village shall perform compaction control tests at such frequency and at such depths as the director of public works deems necessary to verify compliance with the compaction requirements. The contractor shall furnish such materials, labor and equipment deemed necessary by the director of public works in order to obtain the necessary compaction test soil samples.

(Code 1982, § 8.09(11))

Sec. 70.126. Permanent pavement repair costs.

(a) The village will accomplish the permanent pavement repairs necessary except as provided in section 70.124(4)a. and will charge the applicant in advance for such repairs according to a schedule prepared by the director of public works and filed in his and the village clerk/treasurer's office.

(b) Such charges shall be paid at the time of application for the excavation permit. There will be no further charges to the contractor upon payment of the permanent pavement repair fee except for the later repairs made necessary by failure of the contractor to properly compact the excavations.

(Code 1982, § 8.09(12))