

CHAPTER 14

PUBLIC WORKS/INFRASTRUCTURE

14.01 PUBLIC WORKS/INFRASTRUCTURE ORDINANCE

(1) ROADS

(A) All public roads shall conform to those specifications set forth in the publication, **Standard Specifications for Road and Bridge Construction as published by the Department of Transportation of Wisconsin** as from time-to-time revised.

(B) **New Subdivisions.** In new subdivisions, the Village of New Auburn will accept dedications of land for new Village Roads and approve plats under Chapter 236, (1993-1994) Wisconsin Statutes, only if the roads are surveyed and constructed by the developer pursuant to Sections 236.13(2)(a) and (b), Wisconsin Statutes. Such roads must be constructed to Village standards as set forth in this ordinance. Subdivisions shall be defined by Section 236.02(8), Wisconsin Statutes. The Village Board may waive any requirements in specific instances to promote development and additions to the tax base of the Village of New Auburn.

(C) No person shall cause, allow, or permit any person to alter the grade of any public highway, road, street, or alley in the Village of New Auburn without written approval by the Village Board.

(2) STREET AND SIDEWALK GRADES

(A) **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 in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.

(B) **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 New Auburn by any means whatever unless authorized or instructed to do so by the Village Board. All such alterations of grade shall be recorded in the Office of the Village Clerk by the Clerk or Officer authorizing the alteration.

(C) **Penalty.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

(3) SIDEWALK CONSTRUCTION AND REPAIR

(A) **Owner to Construct.** It shall be the duty of the abutting owner to repair, reconstruct and perpetually maintain existing sidewalks along or upon any street,

alley or highway in the Village of New Auburn and to pay the one-half of the cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of New Auburn, it shall proceed according to Section 66.615, Wisconsin Statutes.

(B) Specifications. All public sidewalks in the Village of New Auburn shall conform to those specifications set forth in the publication, Standards Specifications for Road and Bridge Construction as published by the Department of Transportation of Wisconsin as from time-to-time revised. All sidewalks shall be of Grade AA air entrained concrete.

(C) Width and Thickness. Sidewalks in front of residential, commercial, or industrial establishments shall be constructed according to the dimensions as the Village Board by resolution require.

(D) Penalty. The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

(4) DRIVEWAYS

(A) Approval Required. No person shall construct or maintain any driveway without first obtaining a driveway permit from the Village Board.

(B) Specifications For Driveway Construction:

(1) Width. No driveway shall exceed twenty-six (26) feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.

(2) Interference With Intersections Prohibited. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(3) Interference With Street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way. When required by the Village Board to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

(4) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall comply with the requirements for sidewalk construction in Section 14.01(3) of this code insofar as such requirements are applicable, including thickness requirements in Section 14.01(3)(D) of this code.

(5) **Owner Liable For Damage Or Injury.** The owner of the premises shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during the construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of this code.

(C) **Penalty.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

(5) **STREET AND SIDEWALK EXCAVATIONS AND OPENINGS**

(A) **Permit Required.** No person, firm, or corporation 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 New Auburn without first obtaining a permit therefore from the Village Board.

(B) **Application For Permit.** The application for the permit provided for in the preceding subsection shall state the purpose for which the permit is desired and the location of the proposed excavation, which shall contain an agreement that the applicant will pay all damages to persons or property, public or private, caused by the applicant, his agents, employees, or servants in the doing or erection of the work for which the permit is granted. Any applicant may be required as a condition to the granting of a permit, in the discretion of the Village Board, to file an undertaking in such amount as the Village Board shall determine to leave the street, sidewalk, or alley in as good condition as the same was in when the work was commenced, to at all times keep the place where the excavation is made properly guarded by day and night and lighted by night, and to save the Village harmless from any and all damages, costs, and charges that may accrue from the applicant's use of such street, sidewalk, or alley by reason of such excavation.

(C) **No Further Privileges Granted.** No permit for an excavation granted under the provisions of this section shall be deemed to convey or grant any privilege to occupy the space within or below any street or sidewalk, or any utility, vault, pipe, drain, or any other thing whatsoever.

(D) **Conditions.** When excavations are made under the provisions of this section, the excavations shall not be left open longer than the necessities of the work demand. In refilling the excavation all earth, fill and stone shall be thoroughly and properly tamped and the surface of the street, sidewalk, or alley left in as good condition as the same was in before the excavation was made. Provided, however, that whenever it is necessary to break into a sidewalk for the purpose of making any excavation authorized under this section, the entire square so broken into shall be

removed and replaced, it being the intent of this subsection to prohibit the patching of a square in a sidewalk.

(E) Notice to Village Police Department. Before any excavation, opening or blockage in any street or sidewalk is made by any person, firm, or corporation under the provisions of this section forty-eight (48) hours advance notice shall be given by the person intending to make such excavation, opening or blockade to the Village Police Department.

(F) Ongoing Permit. At its discretion, the Village Board may grant an Ongoing Permit to certain providers of gas, telephone, and other public and quasi-public services for excavations.

(1) To obtain an Ongoing Permit, the individual, or Company must apply for such and agree to the terms of the Ordinance.

(2) The Village Board may require proof of any fact necessary to establish whether granting of an ongoing permit is in the public's best interest.

(3) Such permits, although ongoing in nature, may be revoked by the Village Board upon written notice.

(4) The Applicant agrees to carry and pay the premium for public liability insurance, insuring itself and the Village of New Auburn against injury to property, person, or loss of life arising out of permitted activities, with limits of at least \$125,000 property damage, \$300,000 for one person, and \$1,000,000 for any number persons injured or killed in any one accident, and shall furnish the Village of New Auburn as may be requested from time to time a certificate of insurance

(5) The Applicant must comply with Wis. Stats. §182.0175 for every excavation.

(G) Village Work Excluded. The provisions of this section shall not apply to excavation work under the direction of the Village Board by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

(H) Penalty. The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

(6) OBSTRUCTIONS AND ENCROACHMENTS

(A) 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 subsection 14.01(6)(B).

(B) Exceptions. The prohibition of subsection (A) above shall not apply to the following:

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

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

(3) Public Utility encroachments duly authorized by State law or the Village Board.

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

(5) Excavations and openings permitted under subsection 14.01(5)(B) of this code.

(C) 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 obstructions within twenty-four (24) hours after notice from the Village Marshal to do so, it shall be the duty of the Village Marshal to remove such obstruction and make return of the cost and expense thereof to the Village Clerk 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.

(D) Penalty. The penalty for violation of any of the provisions of this section shall be a penalty as prescribed by Section 1.05 of this code.

(7) CLEANING, REPAIR, SNOW AND ICE REMOVAL

(A) Responsibility of Owner, Occupant, Etc.. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of New Auburn fronting or abutting any street shall keep all adjoining sidewalks in good sufficient safe condition, and clean of any snow, ice, dirt, or rubbish to the full width and extent of the sidewalk. In the case of snow or ice accumulation, each owner, occupant, or person in charge of such building or structure shall clean or cause to be clean the sidewalk in front of or adjoining such home, building or structure as the case may be of snow or ice to the width of such sidewalk by 10:00 a.m. of each day and shall cause the same to be kept clear from such ice and snow, provided that when the ice is formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the

same sprinkled with salt or sand; provided also, that in case snow shall continue to fall during and after 10:00 a.m., then it shall be removed within three (3) hours of daylight after it shall cease to fall.

(B) Report of Defective Walks It shall be the duty of the Street Department to report to the Village Board all cases of sidewalks not in compliance with the requirements of this Section, describing the lot or premises along upon which the non-compliance exists, and giving the name of the owner or occupant thereof.

(C) Village Shall Clean At Owner's Expense. Whenever an abutting property owner or occupant shall fail, neglect or refuse to remove from the sidewalk adjacent thereto any snow, dirt or rubbish, or remedy any slippery or dangerous condition, such work may be done by the Street Department of the Village of New Auburn at the expense of such owner or occupant, and such expense shall be collected and levied in the special tax in the manner provided by law.

(D) Penalty. The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code. A separate offense shall be deemed committed during each day or part thereof during which a violation occurs or continues.