

Chapter 46

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **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, § 1-10(5); any ordinance levying or imposing taxes or levying special assessments or taxes saved from repeal, § 1-10(7); any ordinance prescribing through streets, parking and traffic regulations, speed limits, one-way traffic, limitations on load weights of vehicles, or loading zones saved from repeal, § 1-10(8); any ordinance establishing or prescribing the street grades of any street in the village saved from repeal, § 1-10(10); any ordinance providing for local improvements, assessing taxes for such improvements and prescribing utility rates and fees saved from repeal, § 1-10(11); any ordinance authorizing street maintenance agreements saved from repeal, § 1-10(17); any ordinance establishing grades, curblines and widths of sidewalks in the public streets and alleys saved from repeal, § 1-10(18); any ordinance regarding the lighting of streets and alleys saved from repeal, § 1-10(19); community development, § 2-101 et seq.; buildings and building regulations, ch. 14; manufactured homes, ch. 22; parks and recreation, ch. 34; peddlers and solicitors, ch. 38; traffic and motor vehicles, ch. 50; utilities, ch. 54; vegetation, ch. 58.

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ARTICLE I.

IN GENERAL

Sec. 46-1. Penalties.

Any person who shall violate any of the provisions of this chapter shall, in addition to the responsibility of the owner of the property incurring a special lien as provided in this chapter, upon conviction be subject to section 1-11.

(Ord. No. 180, § 2, 2-10-1972)

Sec. 46-2. Requirements for construction, reconstruction, repair or maintenance.

Any person performing any construction, reconstruction, repair or maintenance resulting in disturbance within the public right-of-way, shall meet the following village requirements:

- (1) *Permit.* The applicant performing such construction will apply for and receive a permit on forms approved by the village.
- (2) *Open cutting of pavement.* Open cutting of pavement on village streets will be allowed under the following provisions:
 - a. Slurry backfill is to be used up to the level of 11 inches of finish grade.
 - b. Eight inches of crushed stone base.
 - c. Three inches of hot mix asphaltic concrete, within 24 hours of backfill (three inches of temporary cold patch may be used during the cold weather months; the excavator must replace with hot mix no later than May 1 of the following year).
 - d. Trench or opening in pavement must be saw cut.
- (3) *Terrace parkway disturbance (balance of right-of-way outside pavement).*
 - a. Slurry backfill is to be used within five feet of the edge of pavement (within three feet of the back-of-curb or sidewalk).
 - b. Restore with a minimum of four inches of topsoil, seed and mulch (sod and/or jute matting may also be required as specified by the village).
- (4) *Cash security bond required.* All persons performing such projects, other than exempted utilities under law, shall supply the village with a cash security bond as set by the board. Such cash bond will be returned to the applicant upon compliance with this section and approval of the building inspector, however, the village reserves the right to retain the cash bond for the entire 18-month

period.

- (5) *Premises served responsible.* The premises that are served or benefitted by such project requiring a permit shall bear ultimate responsibility for such restoration complying with the terms of this section. Such responsibility shall be for 18 months from the date the project has been approved by the building inspector and the cash bond returned. Should any defect occur either in the pavement or in the right-of-way surface as a result of such construction and within such 18 months, the village shall have the right to enter onto the property, perform whatever repairs are necessary and charge the costs thereof to the property served. The village reserves the right to determine what properties are benefitting from such construction. If the village is unable to ascertain specific properties benefitting, the cash bond may be retained by the village for the entire 18-month period.

(Ord. No. 11-91, § 1, 12-12-1991)

Sec. 46-3. Driveway/culvert permit required.

(a) All persons having driveways, alleys or other private entrances upon any public highway shall be required to obtain a driveway/culvert permit and shall install a culvert as provided in this chapter. Driveway/culvert permits may be obtained from the village. No driveway may be installed unless a driveway/culvert permit is obtained.

(b) No driveway constructed of concrete material shall be permitted to extend to the public highway pavement or over the ditch culverts and must remain a minimum of five feet distant from the culvert on the property owner's side so that culverts can be repaired, replaced or inspected. Concrete driveways shall not be installed in the public right-of-way unless in a curb and gutter situation in which case the driveway approach and driveway may be concrete or asphalt.

(c) All culverts shall be of 16 gauge galvanized metal construction, at least 24 feet long, 15 inches in diameter and have 16 gauge galvanized metal apron end walls, unless a different type and size of culvert is specified by the village building inspector.

(d) That portion of all driveways constructed within the public right-of-way of the village shall comply with the specifications for driveway apron construction adopted by reference and made a part of this section.

(e) All persons with applications for driveway permits shall post with their driveway permit a bond in the sum set by the board. This bond is in addition to the fee contained in subsection (f) of this section. Such bond shall be held by the village until the driveway approach is completed and approved by the village building inspector. Any damage done to the village street pavement or right-of-way shall be repaired by the village and charged against the bond and the balance returned to the property owner.

(f) The property owner shall pay a fee set by the board to the village to cover the administrative costs of processing such application. This fee does not include any charges for the cost of the culvert and the installation thereof.

- (g) The location of driveways shall be approved by the building inspector.

(h) Driveway culverts and roadside ditches must be properly maintained, repaired and restored by property owners to allow for proper drainage. In the event the Village finds that a driveway culvert or roadside ditch is not properly maintained or repaired or restored, the Village may give notice to the property owner demanding that the issue be repaired by the property owner. If it is not properly repaired, maintained or restored within a reasonable time as described in the notice, the Village may undertake the repair and maintenance and restoration of the culvert and/or ditch as the Village deems to be appropriate and impose all costs associated with such maintenance, repair and restoration to the property owner as a special charge. If such charges are not paid such charges shall be imposed upon the property pursuant to Wisconsin Statutes Section 66.0627.

(Ord. No. 11-96, § 1, 10-10-1996, Ord. No. 8-09, § 2, 12-10-09)

Sec. 46-4. Permit required for any work in public highway right-of-way.

(a) Any person doing any work within the public right-of-way of any street in the village shall obtain a permit from the village. The application for the permit shall be in written form and shall state what type of work is proposed, the location of the work, the time of year the work will be performed and all precautionary steps that are going to be taken to protect the public.

(b) The bond required for this work shall be as established either by the village highway committee chair, the building inspector or the village engineer. In addition to the bond, the person proposing the work shall pay a fee of \$40.00 to the village to cover the administrative costs of processing the application.

(Ord. No. 11-96, § 2, 10-10-1996)

Sec. 46-5. Road and Street Obstruction Prohibited.

(a) *Road and Sidewalk Obstruction.* No person shall obstruct, encroach upon or otherwise encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such obstruction, encroachment or encumbrance to be placed on any public way adjoining the premises of which he/she is the owner or occupant.

(b) *Snow Removal.* The property owner, person in possession, or person removing snow or ice from any sidewalk, public or private driveway, parking lot or parking area shall dispose of accumulated snow and ice upon such property as follows:

1. Snow or ice removed from private property shall not be deposited onto any fire hydrant, mailbox, or upon any paved right-of-way, public sidewalk, or other public place.
2. Snow and ice shall be deposited so as not to obstruct or interfere with the passage or vision of vehicular or pedestrian traffic.
3. Snow and ice shall be removed from any portion of a sidewalk that leads to the street and intersects with the curb at an intersection or corner.

(c) *Delivery Exception.* The roadside delivery of materials shall be allowed, but such materials shall

not be left within or upon any public right-of-way or on any sidewalk past 9:00 p.m. on the day of delivery unless otherwise expressly permitted by a permit issued under this Chapter.

(d) *Enforcement.* The North Prairie Police Department is hereby authorized and directed to enforce the provisions in this section.

(e) *Penalty.*

1. *Penalty.* Any person who shall violate any of the provisions of this chapter shall, in addition to the responsibility of the owner of the property incurring a special lien as provided in this chapter, upon conviction be subject to section 1-11. The North Prairie Police Department may issue a citation using the following table; 1st offense time amount \$25.00 plus court costs and assessments, 2nd offense fine \$50.00 plus court costs and assessments, and the 3rd and subsequent offenses \$75.00 plus court costs and assessments. Each day of each violation shall constitute a separate offense.
2. *Removal.* In addition to assessing a monetary penalty under Section (e)(1), the Village may remove any encroachment placed upon any street, alley sidewalk, public grounds or land dedicated to public use, the expenses of removing said encroachment shall be lien against the property from which the encroachment was placed upon, and the Village shall keep an account of such expenses and shall enter the account therein charged to each lot or parcel in the next subsequent tax roll as a special tax against said lot or parcel, and the same shall be collected in all.
(Ord. No. 1-09, § 1, 1-8-2009)

Secs. 46-6 – 46-30. Reserved.

ARTICLE II.

SIDEWALKS

Sec. 46-31. Sidewalks; keeping clean; snow and ice removal.

(a) Every owner, occupant, agent or person in charge of any premises, improved or vacant, within the village which abuts upon any sidewalk shall keep the sidewalk free from rubbish, dirt, filth of any kind and snow and ice. Any owner, occupant or agent, or person in charge of any premises, improved or unimproved, who shall neglect for the period of 24 hours after any rubbish, dirt or filth of any kind, or snow or ice has been deposited or formed upon the sidewalk upon which such premises abut, to remove the such rubbish, dirt, filth, snow or ice shall be guilty of a violation of this section.

(b) The village shall keep the sidewalks in the village clear of snow and ice and in all cases where the owner or occupant of a lot or parcel abutting upon a sidewalk fails to keep such sidewalk clear of snow and ice as required in subsection (a) of this section, the expense of clearing such snow or ice from the sidewalk in front of and along the sides of corner lots or parcels of lands of any such lot or parcel of land, shall be a lien thereon and the village shall keep an account of such expense and shall enter the account therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against such lot or parcel of land, and the expense shall be collected in all respects like other village taxes upon real estate, and no lot or parcel of land

in the village shall be exempt from the payment thereof.
(Ord. No. 180, § 1, 2-10-1972)

Sec. 46-32. Construction of new sidewalks.

The village board shall have the power to determine from time to time by ordinance or resolution where new sidewalks are to be constructed and establish the width, determine the material and prescribe the method of construction of such sidewalk, and the standard so fixed by the village board may be different for different streets and the village board may order by ordinance or resolution that sidewalks are to be laid as provided in this section.
(Ord. No. 199, § 1, 12-1-1976)

Sec. 46-33. Repair of existing sidewalks.

The village board may order any sidewalk which is unsafe, defective or insufficient to be repaired or to be removed and replaced with a sidewalk in accordance with the standard and procedure fixed by the village board.
(Ord. No. 199, § 2, 12-1-1976)

Sec. 46-34. Procedure.

(a) *Notice.* 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 village board by personally delivering such copies to the owner or his agent, and in case the owner or his agent cannot be found in the village, by publishing in the official newspaper.

(b) *Default of owner.* Whenever any such owner shall neglect for a period of 20 days after the service of the notice 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, if done by the village, shall be let by contract to the lowest responsible bidder unless the village performs the work itself, in which case s. 62.15(1), Wis. Stats., shall apply.

(c) *Minor repairs.* When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed the sum set by the board, the village may immediately repair such sidewalk without notice or without letting the work by contract and the village may charge the cost thereof to the owner of such lot or parcel of land as provided in this section.

(d) *Expenses.* The village shall keep an accurate account of the expense of laying, removing and repairing sidewalks in front of each lot or parcel of land, whether the work is done by contract or otherwise, and the amount of the expense shall be reported to the clerk-treasurer who shall annually prepare a statement of the expenses so incurred in front of each lot or parcel of land and shall enter that amount in the tax roll as a special tax against such lot or parcel of land, and the expense shall be collected in all respects like other taxes upon real estate.
(Ord. No. 199, § 3, 12-1-1976)

Sec. 46-35. Sidewalk specifications to be on file.

The village engineer is directed to prepare and submit for approval to the village board a set of standard specifications for sidewalk construction, removal and repair. Such specifications once approved by the village board shall be filed with the clerk-treasurer and be a part of this section by resolution of the village board.
(Ord. No. 199, § 4, 12-1-1976)