

**Chapter 12.04
Public Improvements**

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12.04.010 Purpose and scope.

This chapter is made for the purpose of promoting health, safety, morals and the general welfare of the village. In addition to other methods provided by law, special assessments for any public work or improvement, or any current service, may be levied in accordance with the provisions of this chapter. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws, ordinances or resolutions, except those specifically repealed by the ordinance codified in this chapter or amendments hereto, or with private restriction placed upon property by covenant, deed, or other private agreement, or with restrictive covenants running with the land to which the village is a party. Where this chapter imposes a greater restriction upon land, buildings, or structures that is imposed or required by such existing provisions of law, ordinance, resolution, contract or deed, the provisions of this chapter shall control. (Ord. dated 9/13/75 § 1)

12.04.020 Definitions.

As used in this chapter, the following terms mean:

“Corner lot” means a lot with adjacent sides fronting on streets with the frontage on the two streets equal to approximately fifty (50) percent of the perimeter of the lot.

“Footage” means that portion of the frontage that abuts the actual improvement.

“Frontage” means the total footage as measured parallel with the street(s) and between the property lines on the two adjacent sides.

“Lot” means a parcel of land adequate in size to allow construction of a residential dwelling in accordance with village requirements. Property of sufficient size to be developed as more than one lot, as determined by the village board, shall not be considered a lot when determining maximum assessments as irregular shaped lots or as lots with double frontage.

“Sewer lateral” means the connecting sewer from the sewer main to the property line.

“Sewer main” means sanitary sewer, eight inches in diameter or larger, installed within a public easement or right-of-way for the purpose of serving adjacent properties.

“Total cost” means the cost of the immediate improvement plus easements and surface restoration costs. The village of Oakfield will provide all engineering for improvements covered in this chapter.

“Water lateral” means water line from the water main to the served property up through the curb box and stop.

“Water main” means water main six inches in diameter or larger, not including fire hydrants, installed within a public easement or right-of-way. (Ord. dated 9/30/75 § 2)

12.04.030 Petition by land owners.

Land owners desiring public improvements such as water main, sewers, and curb and gutter shall file a petition with the Village clerk. Sample petitions are available at the village clerk's office. These petitions shall be on file before March 1st.

The village board will hold a public hearing prior to levying special assessments, unless one hundred (100) percent of adjacent property owners have signed the petition, and unless all have signed a waiver of special assessments notices and hearings, public hearing notices shall be published once in the local newspaper, and notices shall be given by mail to all affected property owners.

Normally the village board approves petitions which are signed by property owners who own over fifty (50) percent of the frontage abutting the proposed improvement, however, the village board has authority to accept or reject any petition and on its own motion, order a public improvement.

If one hundred (100) percent agreement on the petition and waiver is not reached, the normal provisions for special assessments under Wisconsin Statutes, except as modified herein regarding cost sharing and other provisions, will be followed.

If one hundred (100) percent agreement on the petition and waiver is reached, the actual costs, except as modified herein regarding cost sharing and other provisions, will be assessed against the property owners on a front footage per item determination.

Special assessment charges are based on the cost of improvement and the benefits to the adjoining property, it is impossible for the village to evaluate adjacent property; the maximum benefit to the property is usually considered equal to the total cost of the improvement. Present use of property by nonprofit organizations does not reduce or eliminates assessments, because the property

itself is benefited directly and the use of property may change. (Ord. dated 9/30/07 § 3)

12.04.040 Subdividers.

Subdividers will not fall within this chapter in any regard, and will be responsible for public improvements as set forth in Ordinance dated 3/9/94 on subdivisions, codified in Title16 of this code. (Ord, dated 9/30/75 § 3)

12.04.050 Street construction.

A. Right-of Way. The right-of-way is dedicated in all plats.

B. Gravel Streets and Alleys. The Village will grade and gravel streets at the request, by petition, of adjacent property owners and where it becomes necessary to facilitate the movement of traffic. No street will be so improved unless adequate right-of-way has been established. One hundred (100) percent of the total cost of these projects is assessed against the abutting properties. In cases where twenty-five (25) percent or more of the frontage of a project is exempt, the village may allow reduction of the basis of assessment to less than one hundred (100) percent of cost but not to be less than eighty (80) percent. The first thirty (30) feet on each side of corner lots shall be exempt, said amount to be paid by the village.

C. Street Surfacing. All temporary and final street surfacing, asphalt or cement shall be provided by the village of Oakfield at no direct assessment to be abutting properties. No final surface will be installed unless all underground improvements have been installed and approved by the public works department.

D. Driveways. Property owners are responsible for construction and maintenance of driveways. Driveway openings are installed for existing homes when curb and gutter is installed. New driveway entrances may be concrete or blacktop in the curb area

and conform to the grade of the curb. Adequate provision shall be made to prevent debris from entering the streets. All driveway entrances shall be subject to approval of the public works department. Property owners shall furnish culverts, where necessary, as approved by the public works department. On request of the property owner, the village of Oakfield may furnish up to a ten-foot wide blacktop approach in the area between the sidewalk and the curb.

E. Curb and gutter.

1. One hundred (100) percent of the cost of new curb and gutter assessed to property owner and zero percent to the village of Oakfield.

2. When old curb and gutter is replaced the village of Oakfield will assist in removing the old curb and gutter and provide fill to proper grade for the new curb and gutter and fill and finish the terrace area with no direct assessment to the property owner. The property owner shall be responsible for one hundred (100) percent of the cost of the replacement curb and gutter.

3. The village board is empowered to exempt property from such construction when the building inspector, upon investigation, determines that such construction is physically impracticable due to the following circumstances:

- a. nature of terrain;
- b. insufficient right-of-way;
- c. insurmountable engineering problems;
- d. Safety hazards that would arise by encouraging pedestrian traffic in dangerous areas such as along railroad tracks;
- e. areas that do not generate considerable traffic and/or drain problems. (Ord. dated 9/30/75 § 5)

12.04.060 Storm Sewers.

The village will bear the cost of storm sewers. Storm sewers are installed prior to

street improvements and as needed to alleviate drainage problems. The village is not responsible for draining private property through laterals. In general, the village will install inlets in the street and ditches to receive storm water. (Ord. dated 9/30/75 § 6)

12.04.070 Sanitary sewers.

A. Extensions. Extensions of sanitary sewers shall be in units as determined by the village board to be in the best interest of the public, or necessary for public health and safety.

B. Charges for Sanitary Sewer Extensions. Lots shall be assessed for one hundred (100) percent of the footage abutting such streets and easements where sewer extensions are laid with the following exceptions:

1. Lots with Double Frontage. Where lots front on two streets on opposite sides and do not classify as a corner lot, the following procedure shall be followed. The lots shall be assessed for one hundred (100) percent of the footage on the first side served, and for twenty (20) percent of the footage on the second side.

2. Corner Lots. If the total sewer footage installed (original installation and/or future extension) for lots with less than two hundred forty (240) feet of total frontage, exceeds fifty (50) percent of the total frontage, the balance shall be paid by the village of Oakfield. Lots with more than two hundred forty (240) feet of total frontage shall be assessed for the first one hundred twenty (120) feet of sewer footage and the next one hundred twenty (120) feet shall be paid by the village of Oakfield. All sewer footage over two hundred forty (240) feet shall be assessed to the property.

3. Existing Facilities. Property being served by sewers not classified as main sewers and not previously assessed, will be assessed for new sewers. Property presently served by sewers not fronting on the property shall be assessed for new sewer extension

fronting on the property in accordance with this policy. If a lot was previously assessed for full frontage but the sewer does not abut the full frontage and now must be extended, the assessment for the extension will be one hundred (100) percent less prior assessments against the property for that portion of the frontage that abuts the extension.

If a lot was previously assessed a sewer main connecting charge and does not abut at least eighty (80) feet of sewer, the balance of the first eighty (80) feet shall be installed at village expense.

4. Replacement and Maintenance. The village of Oakfield shall maintain sewer mains and replace sections where necessary without any additional assessment to the properties.

C. Rate of Assessment. The rate of assessment for sanitary sewers shall be set by the village of Oakfield, not to exceed one hundred (100) percent for the cost of an eight-inch sanitary sewer. In cases where twenty-five (25) percent or more of the frontage of a project is exempt, the village may allow reduction of the basis of assessment to less than one hundred (100) percent of cost, but not to be less than eighty (80) percent. No additional charge is made for larger mains or sewage pumping stations.

D. Sewer Main Connecting Charges. Charges for connecting to sewer mains shall be set from time to time by ordinance or resolution of the village board of trustees. (Ord. dated 9/30/75 § 7)

12.04.080 Water main assessments.

Water main assessments to be the same as Section 12.04.070, Sanitary Sewers, except the footage rate in the connection charge. (Ord. dated 9/30/75 § 8)

12.04.090 Sewer and water laterals.

A. Laterals Required. Laterals shall be extended to the property line in platted areas, and all improved properties:

1. When new sewer extensions are completed;
2. Before curb and gutter is installed in the street;
3. Before any street is paved or reconstructed;
4. One lateral shall be extended for each lot or building to be served.

B. Charges for Laterals. The entire cost of installing sewer and water laterals shall be assessed to the property owner. The charges for laterals shall be determined by using an average installation from the center of the street. The village shall maintain sewer and water laterals without any additional assessment to the properties.

C. Laterals not Required. Laterals are not required on the following unimproved properties:

1. Vacant lot or portion of a lot which is too small for a building lot under the village building and zoning ordinances and including where the present dwelling is located on a portion of two or more lots precludes the possibility of another dwelling being placed thereon;
2. Heavy industrial areas;
3. Light industrial areas;
4. Recreational, educational or religious properties which are privately owned;
5. Properties which, in the judgment of the village board, will not likely develop in the foreseeable future, or where the pattern of development cannot be determined.

D. Construction of Water Laterals. Construction of water laterals shall conform to the rules of the water department.

E. Main Replacement. The village will connect existing laterals to new sewer and water mains during replacement of private lines or inadequate mains with no

direct assessment to the property owners. (Ord. dated 9/30/75 § 9)

12.04.100 Sidewalks.

A. Sidewalks shall be installed as requested by property owners and as ordered by the village board.

B. Sidewalks shall be constructed in accordance with Chapter 12.12.

C. The total cost of sidewalks shall be charged to the property. Owners of corner lots shall pay the total cost of sidewalks on each abutting street, except the crosswalk between the curb and the sidewalk will be paid for by the village.

D. When old sidewalks are replaced the village of Oakfield will assist in removing the old walks and provide fill to proper grade for the new sidewalk and fill and finish the terrace area with no direct assessment to the property owner.

E. When sidewalks are installed in areas that did not previously have sidewalks the village of Oakfield will furnish fill to the proper grade and fill and finish the terrace area with no direct assessment to the property owner. Credits may be allowed for old sidewalk when sidewalk is required to be replaced on street improvement projects. (Ord. dated 9/30/75 § 10)

12.04.110 Streetlights.

Any property owner, resident or group of property owners, may petition for streetlights in their neighborhood. The village board may order streetlights installed by approving petitions or on its own motion. There is no direct assessment to adjacent property owners for installing street lighting. (Ord. dated 9/30/75 § 11)

12.04.120 Payment.

A. Any special assessment levied under this chapter shall be a lien against the property assessed from the date of the final resolution of the village board determining

the amount of such levy, or in the event of one hundred (100) percent property owners' petition and waiver, which shall be effective upon the receipt of the final waiver completing the one hundred (100) percent requirement.

B. No special assessment shall be levied unless approved by the village board after public hearing precede by ten days' written notice to property owners proposed to be assessed. Said notice shall state the amount of assessment to be levied for each improvement.

C. Invoices will be mailed on or before October 1 of the year of assessment. Within thirty (30) days from the date of the initial invoice property owners must either make payment, or choose to participate in the Installment Payment Plan as indicated below. If property owners do not respond to the initial invoice within the thirty (30) days, the village will extend the entire outstanding balance to the tax roll in full as a special assessment (including accrued interest up to the date of the payment or the date the charge is assessed on the tax roll, whichever occurs first). If a property owner utilizes the payment plan and misses a payment, the Village will extend the entire outstanding balance to the tax roll as a special assessment (including accrued interest up to the date of the payment or the date the charge is assessed on the tax roll, whichever occurs first). The village will assess a rate at 1% above the Village's borrowing rate on the unpaid balance.

D. Installment Payment Plan.

<u>Amount Due</u>	<u>Payment Period</u>
\$500.00 or less	Not available
\$501.00 - \$1,499.00	Three (3) years
\$1,500.00 or more	Five (5) years

E. When in the judgment of the Village board it would be inappropriate to apply literally a provision of this chapter, because it would cause extraordinary hardship to property owners or it would not

be in the best public interest for the residents of the village, it may waive or vary such provision so that substantial justice may be done and the public interest secured. (Ord. dated 9/30/75 § 12)