TITLE 6

Public Works

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CHAPTER 1

Grades

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SEC. 6-1-1 ESTABLISHMENT OF GRADES.

(a) **Grades to be Established**. The grade of all streets, alleys and sidewalks shall be established by vote by the Village Board and the same recorded by the Village Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed.

(b) **New Sidewalk Grade**. Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Village Engineer or Superintendent of Streets shall, upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established.

SEC. 6-1-2 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 Monticello by any means whatsoever 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 Board.

SEC. 6-1-3 REGULATION OF UNDERGROUND.

(a**) Elevation**. The grade or elevation of all underground construction shall be a minimum of three (3) feet below the established grade of the street, alley, park, public property or easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.

(b) **Approval of location**. The location of any and all such underground construction must have the approval of the Village Board.

(c**) Filing Plans**. Complete plans for any such construction must be filed with and be approved by the Village Board before construction can begin.

(d) **Inspection**. On request of the Village Board, the utility company must provide an opportunity to check any construction before it may be covered.

(e) **Conflict with Other Utilities**. If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction, or of the storm sewer, at the election of the Village Board and in accordance with directions and specifications.

(f) **Establishment of Grade**. At the request of the utility company, the Village Board shall, at the Village's expense, give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.

(g) **Emergency.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with under-ground construction subject to obtaining the approval of such work by the Village Board as soon thereafter as is reasonably possible.

(h) **Restoration of Surface**. In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure so to do, the Village may proceed to place the surface of the ground or street in such condition at the utility company's expense. Such work shall comply with the provisions of Sections 6-2-3 and 6-2-4.

(i) **Non-Relief from Obligations**. Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travel way, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

CHAPTER 2

Streets and Sidewalks

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SEC. 6-2-1 REMOVAL OF RUBBISH AND DIRT FROM SIDEWALKS.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board, the Village Board may cause the same to be done and report the cost thereof to the Village Clerk-Treasurer who shall spread the cost on the tax roll as a special tax against the premises, pursuant to Sec. 66.0703, Wis. Stats., or such cost may be recovered in a court action against the owner or occupant.

SEC. 6-2-2 CONSTRUCTION AND REPAIR OF SIDEWALKS.

(a) **Board May Order**.

(1) The Village Board may determine that sidewalks, curb and gutter and suitable street surface material may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board may determine or change the width or grade of any street or sidewalk. Whenever the Village Board shall, by resolution, determine that a sidewalk be laid, replaced, repaired, lowered or raised, it shall direct the abutting owner or owners to lay, remove, replace, repair, raise or lower said sidewalk.

(2) <u>Notice.</u>

a. Such notice shall be in writing and shall be served personally on the owner or his agent, and in case the owner or agent cannot be found, such notice shall be published in the official newspaper and a copy thereof mailed to the owner's last-known address.

b. Such notice shall specify that the sidewalk be rebuilt, repaired, raised, lowered or constructed in accordance with this Section and shall direct the owner to repair the same within forty-eight (48) hours of the service of the notice or to rebuild the sidewalk within thirty (30) days after such service.

(b) **Apportionment of Costs**. It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Monticello and to pay the entire 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 Monticello, it shall proceed according to Sec. 66.0907, Wis. Stats.

(c) **Permit Required**. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Monticello unless he is under contract with the Village to do such work or has obtained a permit therefor from the Clerk-Treasurer at least forty-eight (48) hours before work is proposed to be undertaken. A fee of Ten Dollars ($10.00) shall be charged for such permits.

(d) **Standard Specifications for Sidewalk**.

(1) General. Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the Village.

(2) Grading. Prior to construction, ground on which sidewalks are to be placed shall be brought to within three (3) inches of subgrade by the contractor.

(3) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as furnished by the Village. Subgrade shall be three (3) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft and unsuitable subgrade 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. At all places where existing ground level is below subgrade elevation, the owner shall furnish and place suitable material in successive layers of four (4) inches or less, and each layer shall be rolled and thoroughly compacted until subgrade elevation is reached. In all cases where the grading is carried to a line below the subgrade elevation, the owner shall furnish and refill the space with material satisfactory to the governing body or its agents, and soil, tamp and sprinkle the fill in a thorough manner approved by the governing body or its agents.

(4) Surplus Excavation and Fill Between Sidewalk and Curb. All surplus earth and other material excavated from the line of work, which may not be required for filling, shall be hauled and deposited as directed by the governing body. Where the sidewalk does not abut curb, gutter, pavement or other structures and when the concrete has been cured and forms removed, the space along the sides shall be backfilled with a satisfactory soil thoroughly compacted. Backfill shall be approved by the governing body.

(5) Concrete.

a. All sidewalks shall be of concrete construction of Portland cement fresh and of a reputable brand, conforming to ASTM C 175. The minimum quantity of cement per cubic yard shall be six (6) ninety-four (94) pound sacks. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test two thousand (2,000) pounds compression in twenty-eight (28) days.

b. 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 surface plank of at least two (2) inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required sidewalk 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.

c. 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. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. 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 (10) foot straight edge, and any areas departing from the testing edge shall be corrected by adding or removing concrete while the walk pour is still plastic.

(6) Jointing. Expansion joints one-half (1/2) inch thick and four (4) feet wide shall be placed at forty (40) foot maximum intervals. At all places where a walk intersects another walk or curb line, a one-half (1/2) inch expansion joint shall be placed.

(7) Slope. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a six (6) inch strip of street property left between the property line and the edge of the sidewalk.

(8) Width and Thickness. All residential sidewalks shall be four (4) or five (5) feet in width as determined by the Village Board in view of existing sidewalks in the area, except within driveway approaches where the minimum thickness shall be six (6) inches, 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 Section. Sidewalks in front of commercial or industrial establishments shall be not less than eight (8) feet in width and five (5) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches. Where possible, sidewalks shall be located nine (9) feet from the curb. Where new residential sidewalks are constructed along an entire block in any residential district, such sidewalks shall be four (4) feet in width. One-half (1/2) inch reinforcement rod shall be used when replacing or repairing sidewalks over alley entrances.

(9) Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen subgrade.

(10) Curing and Drying. As soon as any of the concrete work hereinbefore mentioned 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. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees Fahrenheit] for ninety-six (96) hours.

(11) Higher Standards. Where deemed necessary by the Village, higher sidewalk standards may be required by the Village Engineer.

(e) **Repair or Replacement of Defective Sidewalks.**

(1) Pursuant to Sec. 66.0907, Wis. Stats., the Village Board may order at any time property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk within (30) days after service of the notice provided in Sec. 66.0907, Wis. Stats., the Village Board shall repair or construct such sidewalk and the Village Clerk-Treasurer shall enter the total cost thereof upon the tax roll as a special assessment against said lot or parcel of land. If a life-threatening situation exists which is caused by a sidewalk in need of repair, the Village Board shall direct the property owner to make repairs within forty-eight (48) hours. If the property owner shall fail to repair such sidewalk within the required period the Village Board shall make the necessary repairs and the Village Clerk-Treasurer shall enter the total cost thereof on the tax roll as a special tax against said parcel.

(2) The existence of any one (1) or more of the hereinafter enumerated characteristics shall determine a sidewalk defective or insufficient:

a. One (1) inch or more vertical differential between adjacent sharp-edged individual sidewalk blocks.

b. One and one-half (1-1/2) inch or more vertical differential between adjacent rounded individual sidewalk blocks.

c. Three-quarter (3/4) inch or more horizontal distance between adjacent individual sidewalk blocks.

d. Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block.

(3) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient per this Subsection, the entire sidewalk shall be replaced.

(f) **Illegal Sidewalks**. No sidewalk which shall be constructed contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

State Law Reference: Sec. 66.0907, Wis. Stats.

SEC. 6-2-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS.

(a) **Permit Required**. No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village of Monticello without, first, obtaining a permit from the Village Board or its designee.

(b) **Application for Permit**. The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Clerk-Treasurer, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Clerk-Treasurer shall determine if sufficient information is submitted.

(c) **Exception**. The provisions of this Section shall not apply to Village excavation work done under the direction of the Village Board.

(d) **Validity of Permit**. Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided for under Section 6-2-4(g) for pavement replacement.

(e) **Renewal of Permit**. If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the Clerk-Treasurer and payment of a Ten Dollar ($10.00) renewal permit fee. Permit renewals shall be issued at the discretion of the Village.

(f) **Village Standards; Fees.**

(1) Village Standards. All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 6-2-4. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.

(2) The fee for a street opening permit shall be Ten Dollars ($10.00) plus actual Village expenses. Permit fees shall be paid to the Village Clerk-Treasurer who shall issue a receipt therefor.

(g) **Insurance Required**. A permit shall be issued only upon condition that the applicant submit to the Village Clerk-Treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than $1,000,000 per one (1) person, $1,000,000 for one (1) accident and property damage coverage of not less than $1,000,000. The policy shall name the Village of Monticello as the third party insured.

(h) **Bond.**

(1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement that he will indemnify and save harmless the Village of Monticello 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 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 Village Board for a period of one (1) year, and that he will pay all fines of forfeitures 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 statement 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 (1) year.

(2) Faulty work or materials shall be immediately replaced by the permittee upon notice by the Village. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Village shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.

(3) The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in an amount determined by the Village Board.

(4) Whenever the Village Board shall find that any such work has become defective within one (1) year of the date of completion, he shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specifies, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.

(5) An annual bond may be given under this Section covering all excavation work done by the principal for one (1) 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.

SEC. 6-2-4 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.

(a) **Frozen Ground**. No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 1st except where it is determined by the Village Board to be an emergency excavation.

(b) **Protection of Public.**

(1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the Village Board, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Village Board, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.

(2) All necessary precautions shall be taken to guard the public effectively 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.

(3) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to his project. In the event traffic is limited to less than one lane in each direction, a flagman or temporary traffic control signal shall be provided so as to safely cycle traffic in each direction past the work area.

(4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Police Department twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 6-2-4(b).

(5) When the operations will result in the loss of any utility service to private properties, private properties shall be notified in writing or by personal contact at least twelve (12) hours prior to the loss of service, unless the operations are part of an emergency excavation as defined in Section 6-2-4(g)

(c) **Pavement Removal**.

(1) Removal of existing pavement shall be to neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his work and in accordance with all applicable codes and regulations.

(2) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular rectangular section or pavement replacement.

Should the street opening occur within adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Village Board, shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.

(3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.

(4) The Village Board or its designee may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the joint.

(d) **Excavation.**

(1) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. gutters shall be kept clear or other satisfactory provisions made for street drainage and natural water courses shall not be obstructed.

(2) Excavated material to be used for backfilling of the trench must be so handled and placed as to be of as little inconvenience as practical to public travel and adjoining tenants.

(e) **Backfilling.**

(1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the Village Board or its designee, is unsuitable.

(2) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with material, approved prior to use by the Village Board or its designee, hauled in.

(3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittees responsibility to have the various utilities locate and mark their facilities prior to excavation.

(4) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (12-inch maximum) shall be uniformly compacted to a dry density of at least ninety-five percent (95%) of the maximum dry density as determined by the Modified Proctor Test (ASTM D 1557). Compaction or consolidation by flooding shall not be permitted.

(5) All excavations shall be subject to testing by the Village. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.

(6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhang the excavation.

(f) **Notice**. It shall be the duty of the permittee to notify the Village Board or its designee and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence, The Village Board or its designee shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.

(g) **Pavement Replacement.**

(1) Backfill material shall be left below the original surface to allow for four (4) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.

(2) Bituminous pavement shall be placed the full depth of the existing pavement or two and one-half (2-1/2) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of a one and one-half (1-1/2) inch base layer and a one (1) inch top layer, with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (1/4) inch as measured with a ten (10) foot straight edge.

(3) Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by the Village Board.

(4) In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three (3) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.

(h) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees make take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provide that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify the Police Department immediately.

(i) **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 thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Village Board shall notify in writing each person, utility 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 thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Village Board, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

SEC. 6-2-5 OBSTRUCTIONS AND ENCROACHMEN'I`S.

(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 Subsections (b) and (c).

(b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:

(1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Section pursuant to Sec. 66.0425, Wis. Stats.

(2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.

(3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.

(c**) Issuance of Permit**.

(1) The Village Clerk-Treasurer is authorized to issue a permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:

a. The property must be located in an area zoned for commercial uses.

b. The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.

c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five (5) feet at any point.

d. The property owner shall provide the Village with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than Five Hundred Thousand Dollars ($500,000.00) per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the Village sidewalks. In addition, the Village shall be identified as a third-party insured.

e. The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise. Specifically excluded are all forms of vending machines, vendors carts or tables, etc., provided a minimum three (3) foot unobstructed pedestrian walkway is maintained.

f. The property owner whose property adjoins the Village sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.

g. The property owner or the occupant of the subject property shall display the approved permit in the window of the building so that it can be seen from the sidewalk.

(2) Upon reviewing the permit application and if it is determined by the Village Clerk-Treasurer that all of the above requirements have been met, the permit shall be issued. Said permit may be revoked by the Village President, Village Clerk-Treasurer, Building Inspector or any Village law enforcement officer ("Village enforcement officials") at any time when one (1) or more of the above requirements are not complied with or if it is determined that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.

(d) **Removal by Village for Sidewalk Obstructions and Encroachments**. In addition to any other penalty imposed, if any Village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.

(e**) Removal by Village for Obstruction and Encroachments Located in the Village Streets, Alleys, Public Grounds or Lands Dedicated for Public Use**. In addition to any other penalty imposed, if any Village enforcement official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.

(f) **Failure to Remove Obstruction**.

(1) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, any Village enforcement official shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

(2) The failure of the Village Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

SEC. 6-2-6 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 Village Clerk-Treasurer 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 Section and has obtained a building permit if required by this Code of Ordinances. The Village Clerk-Treasurer shall request advisory recommendations from the Chief of Police and Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.

(b) **Bond**

(1) 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 Superintendent of Streets not exceeding Five Thousand Dollars ($5,000.00), conditioned that the applicant will indemnify and save harmless the Village 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.

(2) The applicant shall also comply with the insurance requirements of Section 6-2-3(g).

(c) **Fee.** The fee for a street privilege permit shall be in the sum of Ten Dollars 10.00, plus any actual Village costs.

(d) **Conditions of Occupancy**. The permission to occupy or obstruct the streets, alleys, sidewalks of 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 Chief of Police or Building Inspector for violation thereof:

(1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
(2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
(3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
(4) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Chief of Police and Superintendent of Streets, shall continue during all hours of the day and night.
(5) 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.
(6) Buildings shall be moved only in accordance with the route prescribed by the Superintendent of Streets and Chief of Police.
(7) 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.

(e) **Termination.** All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village Clerk-Treasurer.

(f) **Removal by Village**. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Chief of Police or Building Inspector to do so, it shall be the duty of the Chief of Police or Building Inspector to remove such obstruction and make return of the costs and expenses 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 obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

State Law Reference: Sec. 66.0425, Wis. Stats.

SEC. 6-2-7 SNOW AND ICE REMOVAL.

(a) **Removal From Sidewalks**. The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk shall keep said sidewalk clear of all snow and ice. In the event of snow accumulation on said sidewalk due to natural means and/or by any other means, said sidewalks shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with sand and/or salt to permit safe travel by pedestrians.

(b) **Notice and Removal of Snow from Sidewalks**. If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk shall fail to keep said sidewalk clear of snow and ice as set forth in Subsection (a), the Superintendent of Streets or Village law enforcement officers shall take the following action:

(1) **Non-Hazardous Conditions**. If the owner, occupant or person in charge of the subject parcel or lot fails to remove the snow within the time period established in Subsection (a), the Village Board's designee or a law enforcement officer shall cause the issuance of a written

notice to said owner, occupant or person in char e of the subject parcel or lot directing the responsible person (as defined) to remove said snow and ice no later than 12:00 Noon of the day following the issuance of said notice. The written notice shall be hand delivered when possible or mailed to the last-known address of the owner of the subject property as identified on the records in the Village Clerk-Treasurer's office.

(2) **Snow and Ice Not to Encroach**. No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use except for parcels or lots located where existing buildings are constructed within five (5) feet of the street right- of-way and the sidewalks exist from the Village right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice on their sidewalks onto the public streets.

(c) **Enforcement**. The Village Board's designees and all sworn law enforcement officers are hereby authorized and directed to enforce the provisions of this Section.

(d) **Continued Violations**. Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any ending notice issued under this Section.

(e) **Abatement After Notice**. Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow and/or ice within the time established under Subsection (b)(1) and (2) after receiving a written notice shall result in the Village Board's designee causing the removal of said snow and/or ice.

(f) **Expense**. An account of the expenses incurred by the Village to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special charge as provided by Sec. 66.0907, Wis. Stats.

(g) **Penalty**. In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of Ordinances. (Amend Ord 2014-0402C)

State Law Reference: Sections 66.0703 and 66.0907, Wis. Stats.

SEC. 6-2-8 TERRACE AREAS.

(a) **Definition.** The definition of "terrace" shall be as defined in Section 6-4-2(e)

(b) **Noxious Weeds; Paving**. All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.

(c) **Responsibility to Maintain**. Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

(d) **Trees and Shrubs**. Trees and shrubs, other than those planted by the Village, are prohibited in

terrace areas.

(e) **Mailboxes**. The Village is not responsible or liable for damage to mailboxes.

(f) **Vehicle Parking**. Vehicle parking is prohibited on terraces.

Cross Reference: Title 6, Chapter 4.

SEC. 6-2-9 VAULTS.

All vaults and cisterns under sidewalks shall be prohibited.

SEC. 6-2-10 DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS.

No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back or over any public sidewalk in the Village. When the eaves of a building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain therefrom or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of Ordinances.

SEC. 6-2-11 SALE OR DISPLAY OF MERCHANDISE PROHIBITED; SPECIAL EVENT VENDING PERMIT.

(a) **Street Sales Prohibited Except by Permit**. No person shall display, sell or offer to sell on any street sidewalk, alley or other public place within the Village any goods, wares, foodstuffs or anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles, unless such person shall have first applied for and obtained a special event vending permit from the Village Clerk-Treasurer. Such permit shall enable holders to conduct their business in all enumerated areas subject to the limitations of this Section. A special event vending permit shall be obtained where the vending is done by a participant in a special event and where such vending is an integral part of the event. However, where the vending is to occur in connection with a Village or area-wide promotion of community trade or festival sponsored or coordinated by an organization, the sponsoring organization shall obtain the special event vending permit as agent or its participating members.

(b) **Procedure.**

(1) Application for a special event vending permit shall be filed with the Village Clerk-Treasurer and shall contain such information as the Village Clerk-Treasurer may require. Licenses shall be signed by the Village Clerk-Treasurer and shall be conspicuously displayed at the place where such sales are being made. The permit shall set forth the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. Where a sponsoring organization is the applicant, the applicant shall provide the Village Clerk-Treasurer with a complete list of sponsors and participants at the time of making application.

(2) Upon receipt of an application for a permit, the Village Clerk-Treasurer shall review the

information given on the application for conformity with the provisions of this Section. If all the applicable requirements are clearly and unambiguously met, in the Village Clerk-Treasurer's opinion, he shall approve the permit or approve it conditionally. If the applicable requirements are not clearly and unambiguously met in the Village Clerk-Treasurer's opinion, he shall state the matters in doubt in writing to the applicant within three (3) days of the time of making application.

(3) The Village Board shall review appeals of the denial of the application by the Village Clerk-Treasurer and may either deny the permit, approve the permit or approve the permit conditionally. Appeals requests shall be filed with the Village Clerk-Treasurer within seven (7) days of the Clerk- Treasurer's decision.

(c) **Conditions of License**. In addition to any other conditions imposed by the Village Board, all permittees shall fully comply with the following requirements:

(1) Liability Insurance. To hold a valid permit, the vendor must have in force adequate liability insurance. Adequate liability insurance is liability insurance holding the Village and its employees and agents harmless and to indemnify and defend the Village, its employees and agents against all claims, liability, loss, damage or expense incurred by the Village with adequate liability policy limits on account of any damage caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform this condition of the permit, the applicant shall furnish a Certificate of Insurance evidencing the existence of comprehensive general liability insurance (including contractual liability insurance with the Village being named as an additional insured). Adequate liability limits means minimum limits of One Hundred Thousand Dollars ($100,000.00) per occurrence for bodily injury and minimum limits of Fifty Thousand Dollars ($50,000.00) per occurrence for property damage. The Certificate of Insurance shall provide thirty (30) days' written notice to the Village upon cancellation, or non-renewal or material change in the policy. Proof of insurance shall be submitted to the Village Clerk-Treasurer a minimum of seven (7) days before the start of the event.

(2) Cooperation with law Enforcement Officials. To protect the public health and safety, the permittee shall coordinate with the Chief of Police the location of all events under the permit. Street and sidewalk encroachments, booth locations and special parking provisions shall be submitted to the Chief of Police for his review and approval a minimum of seven (7) days before the start of the event.

(3) Clean-up. The permittee shall be fully responsible for all necessary clean-up associated with the licensed event.

(4) Compliance with Other Regulations. The permittee shall comply with all applicable state and county regulations governing health and sanitation for food-handling establishments, applicable, and any other applicable Village regulations, including, but not limited to, regulations pertaining to the issuance of Special Class "B" Fermented Malt Beverage Licenses.

SEC. 6-2-12 REQUESTS FOR IMPROVEMENTS.

Requests or petitions by Village property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Village Board on or before September 1st to be considered for installation in the following year.

SEC. 6-2-13 RAKING LEAVES INTO STREETS.

In the interests of public safety, health and general welfare, community appearance and efficiency of operation, it shall be unlawful to rake or place fallen tree leaves or grass clippings onto the pavement or

into the gutter of any public street. No person shall permit grass clippings from mower swaths to remain upon sidewalks or on abutting property owned or occupied by him.

SEC. 6-2-14 UNLAWFUL DUMPING ON STREETS.

It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner of occupant thereof.

SEC. 6-2-15 STREET NUMBERS.

(a) **Uniform Numbering System**.

(1) **Establishment of Uniform Numbering System.** There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Village of Monticello, and all houses and buildings shall be numbered in accordance with the provisions of this section.

(2) **Base Lines**. Lake Avenue shall constitute the base line for numbering along all streets running north and south, and Main Street shall constitute the base line for numbering all streets running east and west.

(3) **Block Numbering**. The numbering for each street shall begin at the base line. The numbers in the first block shall be from one hundred (100) to one hundred ninety-nine (199), the second block two hundred (200) to two hundred ninety-nine (299), the third block three hundred (300) to three hundred ninety-nine (399), etc. There shall be assigned one hundred (100) numbers to each block, square or space that would be one (1) block or square if streets each way were so extended as to intersect each other, and one (1) number shall be assigned to each fifteen (15) or twenty (20) feet of frontage, whichever is more applicable. In blocks or equivalent space longer than one thousand two hundred fifty (1,250) feet which is not intersected by a street, the total length of space divided by eighty (80) shall be used to determine the feet of frontage to be assigned each number.

(4) **Street Numbering**. All lots and houses on the south and west side of all streets shall be numbered with odd numbers, and all lots and houses on the north and east side of all streets shall be numbered with even numbers, each commencing with the hundred assigned to that block and shall increase from the base line, one (1) number for each fifteen (15) or twenty (20) feet of frontage or fraction thereof, except as provided in Subsection (a)(4).

Where any building has more than one (1) door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, provided the building is twenty-five (25) feet or more in width. If the building is not twenty-five (25) feet or more in width and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting on two (2) or more streets shall have a number fronting on the main entrance, unless other entrances serve other occupants.

(5) **Numbering on Streets Not Extending to Base Line**. All streets not extending through to the base line shall be assigned the same relative numbers as if the said street had extended to the said base line.

(b**) Buildings to Have Street Numbers**. Each principal building in the Village shall be assigned an

official street number. All lots and parts of lots the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Clerk-Treasurer. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map. The cost of such number or numbers shall be Board for by the property owners, and said numbers and holders shall be furnished by the Village of Monticello.

(c) **Street Numbers to Be Displayed**. The owner, occupant, or agent in change of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him the official street number assigned to that building as provided in (b) hereof. The physical numbers provided herein shall be not less than two and one-half (2-1/2) inches high on a background of not less than three (3) inches. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen seventy-five (75) feet from the street plainly. Whenever any building is situated more than seventy-five (75) feet from the street line, the number of such building shall be conspicuously displayed on an appropriate post out to the sidewalk or roadway so as to be easily discernible. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

(d) **Use of Suffix Numbering**. Where only one (1) number can be assigned to any house or building, the owner, occupant or agent of such house or building who shall desire distinctive numbers for the upper and lower portion of any such house or building or for any of such house or building fronting on any street may use the suffix “A”, “B”, “C”, etc., as may be required.

(e**) Map Showing Numbers**. For the purpose of facilitating correct numbering, a copy of the map which accompanies this Chapter showing the proper number of all lots or houses fronting upon all streets, avenues or highways shall be kept on file in the office of the Clerk-Treasurer. This map shall be open to inspection by all persons during office hours of the Clerk-Treasurer.

(f) **Numbering of New Buildings**. Whenever any house, building or structure shall hereafter erected or located in the Village of Monticello, it shall be the duty of the owner to procure the number so assigned upon said building as provided by this Section. No building permit shall be issued for any house, building or structure until the owner has procured from the Clerk-Treasurer the official number of the premises.

(g) **Non-compliance**. If the owner or occupant of any building neglects for twenty (20) days to duly attach and maintain the proper numbers on the building, the Village shall serve him a notice requiring him to properly number the same, and if he neglects to do so for ten (10) days after service, he shall be subject to a forfeiture as provided in Section 1-1-6.

SEC. 6-2-16 OBSTRUCTION OF PUBLIC DITCHES.

No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be replaced any rubbish, dirt, sand, gravel or

any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain.

SEC. 6-2-17 CURB AND GUTI'ER.

(a) **Special Assessments and Charges**. The Village may, at any time, construct or have constructed curb and gutter in the Village. As a complete alternative to any other methods provide by law, the Village may collect for said curb and gutter in the manner and by the procedure provided by Sec. 66.0703 and/or 66.0725, Wis. Stats.

(b) **Alternative Methods**.

(1) Petition**.** An taxpayer and property owner in the Village may petition the Village for the installation of curb and gutter abutting property owned by said petitioner in said Village.

a**. Requirements of Petition**. The petition for the installation of curb and gutter shall state that the petitioner(s) request curb and gutter abutting property owned by said petitioner, describing said property, stating what type is requested, and further said petition shall state that each petitioner individually shall be responsible and liable for, and thereby obligates himself to pay the total costs of installation of said curb and gutter to include surveying and other contingent expenses.

b**. Effect of Petition**. In the event a petition for the installation of curb and gutter is presented to the Village Board, the Board shall have the exclusive discretion to accept or reject the same. The Board may refer said petition, may table it, but in any event they shall act upon the same in some manner within six (6) months of receipt of said petition.

(2) Resolution of Intent. In the event the Village should desire to construct curb and gutter in any area of the Village, the Village Board may adopt a resolution of intent to install said curb and gutter and assess the costs thereof to the abutting property owners as provided in Sec. 66.0703, Wis. Stats.

(c) **Types of Curb and Gutter**. All curbs and gutters shall conform to the construction standards adopted by the Village Board, on file with the Village Clerk-Treasurer.

(d) **Liability for Repair Thereof**. Whenever curb and gutter is installed, all property owners receiving the benefits thereof shall be responsible and liable for all replacements, repairs, damage and maintenance and during any period of construction on the property against which it abuts. Any expense for additional width of road made necessary by blacktop curb and gutter shall be the responsibility of and shall be paid for by the abutting property owner.

(e) **Entered on Tax Rolls**. Any and all costs of replacement, repair and maintenance of curb and gutter incurred within two (2) years after installation thereof or damage thereto during construction as provided in Subsection (d) above, shall be charged to the lot or parcel of land affected thereby pursuant to Sec. 66.0703, Wis. Stats.

State Law Reference: Sections 66.0703 and 66.0725, Wis. Stats.

CHAPTER 3

Driveways

6-3-1 Driveway Permit Required
6-3-2 Driveway Location, Design and Construction Requirements

SEC. 6-3-1 DRIVEWAY PERMIT REQUIRED.

(a) **Purpose**. For the safety of the general public, the Village shall determine the location, size,

construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.

(b) **Permit Required to Construct, Reconstruct, Alter or Enlarge**. No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Monticello without first obtaining a driveway permit therefor as provided by this Chapter. A sidewalk permit is not required when a new sidewalk is to be constructed in conjunction with the construction of a new principal structure; the sidewalk is included in the building permit process in such cases.

(c) **Application.** Application for such permit shall be made to the Village Clerk-Treasurer or Building Inspector on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee of Five Dollars ($5.00). Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Village Clerk-Treasurer, upon the recommendation of the Building Inspector and Superintendent of Streets, shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable Village ordinance.

(d) **Application Provisions**. All driveway permit applications shall contain the applicant's statement that:

(1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street, or for any other purpose.

(2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.

(3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Village of Monticello, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

(4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.

SEC. 6-3-2 DRIVEWAY LOCATION, DESIGN AND CONSTRUCI`ION REQUIREMENTS.

(a) **General Requirements**. The location, design and construction of driveways shall be in accordance with the following:

(1) General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so

located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.

(2) Number**.** The number of driveways to serve an individual property fronting on a street shall be one (1), except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.

(3) Island Area**.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (7).

(4) Drainage. The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.

(5) Culverts. Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall not be less than the equivalent of a 12-inch diameter pipe. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled in pursuant to the provisions of Subsection (7) hereof.

(6) Reconstruction of Sidewalks and Curb and Gutter. When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.

(7) Restricted Areas**.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

a. The filling or draining shall be to grades approved by the Village Board or its designee, and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.

b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.

c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Superintendent of Streets.

(8) Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the driveway installed.

(9) Construction Across Sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such

requirements are applicable, including thickness requirements.

(10) Variances. Any of the above requirements may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

(b) **Special Requirements for Commercial and Industrial Driveways**. The following regulations are applicable to driveways serving commercial or industrial establishments:

(1) Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified the Village Board in its discretion may permit a driveway of additional width .

(2) Angular Placement of Driveway. The angle between the center line of the driveway and the curb line shall not be less than 45°.

(3**)** Island Areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies or a driveway permit to serve his property.

(c) **Special Requirements for Residential Driveways**. The following regulations are applicable to driveways serving residential property:

(1) Width of Driveways. Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, but shall not exceed twenty-four (24) fleet at the property line and thirty (30) feet at the curb opening.

(2) Angular Placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curve.

(d) **Appeal from Permit Refusal**. Any person feeling himself aggrieved by the refusal of the Village Clerk-Treasurer to issue a permit for a private driveway may appeal such refusal to the Village Board within twenty (20) days after such refusal to issue such permit is made.

(e) **Prohibited Driveways**.

(1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Village of Monticello except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.

(2) No driveway shall be closer than ten (10) feet to the extended street line at an intersection. 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 for effective traffic control or for highway signs or signals.

(3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

(4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway

entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.

(5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.

CHAPTER 4

Trees and Shrubs

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SEC. 6-4-1 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER.

(a) **Intent and Purpose**. It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of tree and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.

(b) **Application**. The provisions of this Chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

SEC. 6-4-2 DEFINITIONS.

Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:

(a) **Person**. "Person" shall mean person, firm, association or corporation.

(b) **Public Areas**. "Public Areas" includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.

(c**) Public Trees and Shrubs**. "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.

(d) **Public Nuisance**. "Public Nuisance" means any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.

(e) **Boulevard or Terrace Areas**. "Boulevard or Terrace Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall have the same meaning as "terrace." Where there are only sidewalks, the area four (4) feet from the curb shall be deemed boulevard areas under this Chapter.

(f) **Major Alteration**. Trimming a tree beyond necessary trimming to comply with this Chapter.

(g) **Shrubs.** "Shrubs" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.

(h) **Tree**. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.

(i) **Evergreen Tree**. "Evergreen Tree" shall mean any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.

(j) **Forester.** Person designated by the Village Board as authorized to carry out provisions of this Chapter.

SEC. 6-4-3 AUTHORITY OF VILLAGE FORESTER TO ENTER PRIVATE PREMISES.

(a) The Village Board may designate a municipal employee or citizen to perform the duties of Forester under Chapter 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Village Board by this Chapter. The Village Forester shall annually be appointed by the Village President, subject to Board confirmation, at the Board's organizational meeting .

(b) The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter.

SEC. 6-4-4 INTERFERENCE WITH FORESTER PROHIBITED.

No person shall interfere with the Village Forester or his authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

SEC. 6-4-5 ABATEMENT OF TREE DISEASE NUISANCES.

(a) **Dutch Elm and Other Tree Diseases a Public Nuisance**. Whereas the Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises an erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease, which is spread by the elm bark beetles Scolytus multistriatus (Eichb) or Hylurgopinus rufipes (Marsh.), the Village Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease and the elm bark beetles which carry such disease to be public nuisances.

(b) **Definitions.** As used in this Section, unless otherwise clearly indicated by the context:

(1) "Public Nuisance" in this Chapter means:

a. Fatal or deleterious tree diseases.
b. Elm bark beetles Scolytus Multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.); Dutch Elm disease.
c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, Scolytus Multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh,)
d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
e. Any other deleterious or fatal tree disease.

f. Any tree or part thereof which by reason of its condition and location is hazardous or dangerous to persons and property using or upon any including the terrace strip between curb and lot line.

g. Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.

(2) "Public property" means owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.

(3) ”Person" means person, firm or corporation.

(c) **Inspection.**

(1) The Village Forester shall inspect or cause to be inspected all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infested with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.

(2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid fatal injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.

(3) The Forester and his agents or employees shall have authority to enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this Section.

(d**) Abatement of Nuisances; Duty of Forester.**

(1) The Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this Section by spraying, removal, burning or other means which he determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.

(2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the inspect pests or vectors known to carry such disease fungus.

(3) a. When the Forester shall determine with reasonable certainty that a public nuisance exist upon private premises, he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken.

Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village; the Forester shall cause the abatement thereof at the expenses of the property served. If the owner cannot be found such notice shall be given by publication in a newspaper of general circulation in the Village.

b. If, after hearing held pursuant to this Subsection, it shall be determined by the Village Board that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to

be assessed against the property in accordance with the procedures provided in this Section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(e) **Spraying.**

(1) Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark beetles, he may cause all trees within a one thousand (1,000) foot radius thereto to be sprayed with an effective disease destroying concentrate or other insecticide.

(2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this Section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Chief of Police, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary “no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.

(3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection (b) of this Section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.

(4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d) (3).

SEC. 6-4-6 ASSESSMENT OF COSTS OF ABATEMENT

(a) The entire cost of abating any public nuisance or spraying trees as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with Sec. 66.0703 or Sec. 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park shall be borne by the Village.

(b) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:

(1) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.

(2) Upon receiving the Forester’s report, the Board shall hold a public hearing on such proposed charges, giving at least fourteen (14) days’ advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the municipality and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.

(3) After such hearing, the Village Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.

(4) The Village Clerk-Treasurer shall mail notice of the amount of such final assessment to each

owner of property assessed at his last-known address, stating that, unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a lien against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.

(5) The Village hereby declares that, in making assessments under this Section, it is acting under its police power, and no damages shall be awarded to an owner for the destruction of any diseased or infested tree or wood or part thereof.

SEC. 6-4-7 PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.

(a) **Permit Required**. No person, except upon order of the Village Forester, shall plant or remove, or perform major alterations as determined by the Forester on a tree or shrub in the public right-of-way terrace area or cause such act to be done by others without first obtaining a written permit for such work from the Village Forester as herein provided. The applicant shall comply with the planting standards of Section 6-4-8.

(b) **Permit Exemptions**. No permit shall be required to cultivate, fertilize or water trees or shrubs or for work by Village personnel on park properties. No permit is necessary to plant trees inside the property line.

(c) **Permit Requirements and Conditions.** If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter, taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, he shall have the Forester issue a permit to the applicant. Trees may be planted in the terrace area, but any damage to streets and sidewalks caused by such trees shall be at the cost of the adjacent property owner.

(d) **Permit Form; Expiration; Inspection**. Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this Section shall expire six (6) months after date of issuance. There will be no charge for this permit.

(e) **Permits to Public Utilities**.

(1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or perform surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.

(2) A public utility may secure an annual working agreement with the Village Forester's office which gives the Village Forester the authorization to supervise and direct work associated with trees and shrubs.

SEC. 6-4-8 PLANTING OF TREES AND SHRUBS.

Except as planted by the Village, the planting of new trees and shrubs is prohibited in terrace areas.

SEC. 6-4-9 TRIMMING

(a) Trees and shrubs standing in or upon any boulevard, public area or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

(b) The necessity of the pruning may be determined by the Village Forester.

(c) Clearance from sidewalk to lower branches shall not be less than ten (10) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than ten (10) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public street light.

(d) Trimming or pruning of more than two-thirds (2/3) of the crown shall be considered to be a major alteration and shall require a permit from the Village Forester.

SEC. 6-4-10 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS.

(a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more streets or alleys in the Village any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.

(b) It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street within the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.

(c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Village Forester may order, by written notice, the owner or occupant of any private place or premises on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the Village Forester and/or Public Works Department employees shall order the Village employees to remove the interference. The cost of removing the shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.

(d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-6 of this Code of Ordinances.

SEC. 6-4-11 REMOVAL OF TREES AND STUMPS.

(a) **Dangerous, Obstructive and Infected Trees**. Any tree or part thereof, whether alive or dead, which the Village Forester 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 whether growing upon public or private premises, shall be removed,

trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester shall give written notice to said 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 twenty-four (24) hours nor more than fourteen (14) days as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village Forester 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 cost as a special charge against the property.

(b) **Removal Standards**. In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least nine (9) inches below grade measured in a straight line with the normal grade of sidewalk to top of nine (9) inches below grade measured as a straight line, normal grade of sidewalk to top of curb. wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.

(c) **Private Removal**. No person, firm, organization or corporation shall plant, injure, trim, remove or destroy any tree or shrub located in or upon any public place, until a permit shall have been issued by the Village Forester. Such permit shall be issued only when the removal, trimming or cutting of the tree or shrub is necessary, as determined by the Village Forester, because of disease, damage, hazardous condition, and/or location, or its location is such that substantial detriment is done to the property upon which the tree or shrub stands, or property abutting the same. Such permit shall expressly state the premises upon which the tree stands and the location of the tree thereon.

SEC. 6-4-12 PROHIBITED ACTS.

(a) **Damage to Public Trees**. No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:

(1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.

(2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.

(3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.

(4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.

(5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.

(6) Cause or encourage any fire or burning near or around any tree.

(b**) Excavations**. All trees on any parkway or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the Village Forester.

(c) **Interference With Forester**. No person shall:

(1) Interfere with or prevent any acts of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this Section.

(2) Refuse to permit the Forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this Section.

(d) **Refusal to Abate Nuisance**. Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

SEC. 6-4-13 APPEAL FROM DETERMINATIONS OR ORDERS.

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Title 4 of this Code of Ordinances and Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Village Board may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Board shall file its written decision with the Village Clerk-Treasurer.

SEC. 6-4-14 ADOPTION OF STATE STATUTES.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.