

**CHAPTER 8**

**STREETS AND SIDEWALKS**

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**8.01 OFFICIAL MAP.**

- (1) ESTABLISHMENT. There is hereby established an Official Map of the City, showing the location and width of existing streets, proposed streets, highways and parkways as laid out adopted and established.
- (2) PLAT APPROVAL. No land subdivision plat shall be approved unless such plan conforms to the Official Map.
- (3) PERMITS. To conserve the integrity of the Official Map, no building shall be erected or located within the bed of any street, highway, or parkway shown on the Official Map unless a permit therefor shall first have been applied for and issued in accordance with S. 62.23 (6) (d), (e), (f), and (g), Wis. Statutes. The applicant for such permit shall submit to the Building Inspector, with his application, an accurate plot plan, certified by a qualified surveyor, showing the location of the proposed building with reference to any street, highway or parkway shown on the Official Map.
- (4) CHANGES AND AMENDMENTS. The Council may, whenever it may deem it in the public interest after a public hearing as provided in S. 62.23 (6) (b), Wis. Statutes, change or add to the Official Map to establish the exterior lines of planned new streets, highways and parkways or to widen, narrow or close existing streets, highways or parkways.
- (5) REGISTRATION. The City Clerk shall file with the Register of Deeds of Kewaunee County a certification showing that the City has established an Official Map and shall do likewise as to any changes or additions.

**8.02 STREET AND SIDEWALK GRADES.**

- (1) ESTABLISHMENT. The grade of all streets, alleys and sidewalks shall be established by the City Engineer and shall be recorded in the office of the City Clerk. No street, alley or sidewalk shall be worked until the grade thereof is established.
- (2) ALTERING GRADE PROHIBITED. No person shall alter the grade of any street, alleys sidewalk of public ground or any part thereof unless authorized and instructed to do so by the Common Council.

**8.03 SIDEWALK CONSTRUCTION, REPAIR AND REMOVAL.**

- (1) The Public Works Committee shall have under their charge and supervision all new sidewalk construction, repairs of existing sidewalk and permanent removal of existing sidewalk.
- (2) All sidewalks in the City shall be built to grade per Section 8.02 of the Municipal Code. No grade shall be given for the construction of new sidewalk unless the curb and gutter has been installed.

- (3) The width of a sidewalk shall be a minimum of five (5) feet.
- (4) All new sidewalk construction, repair of existing sidewalk or permanent removal of existing sidewalk shall be a City-a-Large cost.
- (5) New sidewalk to be installed or existing sidewalk to be permanently removed will be recommended to the Planning Commission by the Public Works Committee.
- (6) The Planning Commission will hold a public hearing to take public comment on the installation of new or permanent removal of existing sidewalk and make a recommendation to the Common Council.

**8.04 CURB AND GUTTER CONSTRUCTION.**

- (1) ORDERING INSTALLATION. Curb and gutter may be installed by the City when ordered by the Common Council. The Common Council may consider installation of curb and gutter upon its own motion or upon petition of the owners of more than 50% of the property abutting on the proposed curb and gutter.
- (2) SPECIAL ASSESSMENTS. The cost of installing curb and gutter shall be assessed against the abutting property pursuant to S. 66.60, Wis. Statutes.

**8.05 STREET PAVING.**

- (1) Before the City shall proceed to the improvement of any street by laying permanent paving thereon, the following conditions must be fulfilled as conditions precedent to such paving:
  - (a) All street, sidewalk and other grades required in the improving of such street shall be made and filed by the City Engineer and approved by the Common Council.
  - (b) All sewer pipes and utility installation shall have been laid in said streets and all curb and gutter construction shall have been installed according to approved grades as set forth in paragraph (a) hereof.
  - (c) No sidewalk construction shall be ordered or authorized for such street or parcels of property abutting thereon until grades therefor have been made, established and approved, and provided further that all curb and gutter installation and construction abutting such property and proposed sidewalk construction has been laid on properly approved grades as provided herein.
- (2) It is the declared intent of this section that the orderly installation of sewer and water service with proper and required connections if necessary and the

construction of curb and gutter on any street on approved grades previously established prior to sidewalk construction along the property abutting such street is for the benefit of the public, for the laying of property drainage facilities in such street and to provide uniformity and proper standards of improvement for each parcel abutting such street.

**8.06 STREET IMPROVEMENTS WITHOUT BIDS.**

- (1) The Common Council elects that the following classes of public works or any part thereof may be done directly by the City without submitting the same for bids:
  - (a) Street improvements consisting of constructing new street, re-paving of existing streets, and all acts of repair or maintenance of existing streets, the same to include the purchase of road building and maintenance supplies, subletting of labor or machine contracts, and the engagement of private or public contractors to do all or portions of such improvement, repair or maintenance projects, requiring special machinery, equipment, or materials.
- (2) The Public Works Committee, with the assistance of the City Engineer, may do any of the above classes of public works, at public expense without submitting such work to competitive bidding when the City Council shall be resolution adopted by  $\frac{3}{4}$  vote of the members so direct.

**8.07 STREET OPENINGS.**

- (1) GRADING AND GRAVELING. On all street openings the grading and graveling to final grade level, with qualified inspection, will be contracted and executed by the City with the cost of grading and 50% of the graveling passed on to the developer. Any excess spoils will be the property of the developer.
- (2) COST. The cost of the inspector, if necessary, will be included in the cost of the entire project.
- (3) SURFACE. The City shall install the final street surface (blacktop or other) at its discretion and at City cost.
- (4) CUL-DE-SACS. All cul-de-sacs must be a minimum radius of 60' from center to outside of curb.
- (5) CHANGES OF STREETS EXTENSION PLAN. All costs attributable to change of the street extension plan in any development resulting in added expenses (sewer, water, manhole, hydrants, valves, etc.) shall be borne by the developer or persons requesting or causing such change.
- (6) STREET EXCAVATION. See S. 16.07 of this Code.
- (7) SPECIFICATIONS FOR GENERAL STREET WORK. A copy of the specifications will be attached and referenced as Exhibit 1 of Chapter 8. \*A copy of Exhibit 1 is available at City Hall upon request.

**8.08 RESERVED**

**8.09 TREE PLANTING – MAINTENANCE - REMOVAL**

- (1) It is hereby declared to be the policy of the City to regulate and control planting, maintenance, removal and protection of trees, shrubs and plants within all public areas of the City in order to:
  - a) Establish and maintain the amount of tree cover on public lands in the City in accordance with the five year plan.
  - b) Eliminate and guard against dangerous conditions that may result in injury to persons using the streets, sidewalks or other public areas.
  - c) Prohibit the undesirable and unsafe planting of trees and shrubs located in public areas.
  - d) Guard all City trees and shrubs, both public and private, against the spread of disease, insects or pests.
- (2) The provisions of this section shall apply to all trees, shrubs and plants growing or hereafter planted within public areas and also to all trees, shrubs and plants growing or to be planted on private premises which shall threaten the life, health, safety or welfare of the public or of any public area.
- (3) The Tree Management Board of the City shall have jurisdiction over administration of planting, maintenance and removal of any tree, shrub or plant in and upon any public property. The Tree Management Board shall have jurisdiction over any tree, shrub or plant on private property, which may in any way have an adverse effect upon public property or upon public welfare.
- (4) Any person who requests a tree, shrub or plant to be removed from or planted public property must come before the Tree Management Board for approval.
- (5) Any person who shall deface, injure, destroy, cut, trim or remove any tree, shrub or plant on any public property shall be subject to the penalty provisions as provided in Section 20.04 of this Code.
- (6) Regulations: The following regulations are hereby established for the planting, trimming and care of trees and shrubs in or upon the public right-of-way and other public places in the City.
  - a) Trees to be planted shall be not less than 1-1/2" in trunk diameter at one foot above the ground.
  - b) No tree shall be planted within 25' of the intersection of 2 or more streets as measured from the adjacent intersecting property lines. Hedges, trees, shrubs or other growth shall not be maintained, planted or permitted to remain on any private or public premises situated at the intersection of 2 or more street or alleys in the City which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection. This vision clearance triangle is the section that is joined by the curb lines of the intersecting rights-of-way and a third line connecting specified points and those curb lines as determined by the Committee. In the vision clearance triangle growth shall not exceed 36" in height above a street grade.

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- c) Trees standing in and upon any public street or adjacent to such place, having branches projecting into public streets shall be kept trimmed so the lowest branches will provide a clearance of not less than 14'. This provision shall not apply to newly planted trees provided they do not interfere with persons upon the public street or obstruct the light of any street light. Clearance from the sidewalk to the lower branches shall not be less than 10'. The trimming of private trees by the City with branches projecting into public right-of-way will take place only after notice is given to the property owner who will be given (2) weeks to trim the trees as required and informs the City of the timetable as to the required trimming.
  - d) Only trees, as defined by this ordinance, shall be permitted to be planted on public property or public easements either above or below public utility transmission lines (i.e. water, sewer, gas, electric, cable, telephone).
  - e) All trees in terrace areas shall be planted equidistant between the curb line and the sidewalk. No tree shall be planted in a terrace area that is less than 30 inches between the curb line and the sidewalk. The definition of "terrace area" is the area between the sidewalk and the curb. Where there is no terrace area but sidewalk exists, no tree shall be planted nearer than 30 inches from the lot side of the sidewalk line. In the absence of a sidewalk/curb no tree shall be planted nearer than 12 feet 6 inches (12' 6") from the outer limits of the street right-of-way.
  - f) No tree shall be planted where the soil is too poor to insure growth unless a suitable hole is excavated and the material is replaced with suitable loam or other soil.
  - g) Excavation of any type of ditch or laying of any drive within a radius of four feet from any tree or shrub except those by public utilities shall be reported to the Public Works Superintendent prior to start of same.
  - h) Trees Prohibited: Please contact the Public Works Superintendent for the approved tree list.
- (7) In cases where public improvements (street construction, curb and gutter, sanitary and storm sewers, water installation or other public construction) are involved, the Public Works Committee along with the Tree Management Board will have jurisdiction over plants, shrubs and trees in and upon public property in the project area. In the event of public construction this section will supersede Section 3 above.
- (8) Utility Poles/Wires: No person shall attach insulators, guy wires, or electric devices to trees planted or growing upon public streets. All wires running through a public street shall be securely fastened to poles or other structures so that they shall not come in contact with any tree within. The Committee may order the removal of the wires temporarily or shut off the electricity on the lines for the protection of life or property when such wires or electric current would cause a hazard while pruning or removing trees on or in public property. Written notice must be given at least 24 hours before the wires are to be removed or the current shut off.
- (9) Interference With Tree Care Prohibited: No person shall delay, impede or interfere with the Committee or City employees in the planting, pruning, spraying or removing of trees or shrubs, living or dead, in that part of any terrace area or in the center or side of boulevards in the City, or from removing stone, cement, lumber or other substance placed about a tree or shrub.

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- (10) Injury to Trees, ECT. Prohibited: Any person who shall deface, injure destroy any grass plot, flower bed, tree, shrub, lamp post or other City owned decoration upon any sidewalk, street or City owned property shall be subject to a penalty as provided in S20.04 of this Code.
- (11) Liability: Nothing contained in this ordinance shall be deemed to impose any liability upon the City, its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon any street area on his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, park, boulevard, alley or public place within the City.
- (12) Penalty for Violation: Violation of any section of this ordinance shall be a basis for injunctive relief.
- (13) Enforcement: The Public Works Superintendent is hereby charged with the responsibility of this ordinance and may serve notice to any person in violation thereof or institute legal proceeding as may be required, and the City Attorney is hereby authorized to institute appropriate proceedings to that end.
- (14) Appeals: Appeals from the decision of the Public Works Superintendent may be made to the Public Works Committee.

### **8.10 OBSTRUCTIONS AND ENCROACHMENTS.**

- (1) OBSTRUCTION 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 sub. (2).
- (2) EXCEPTIONS. The prohibition of sub. (1) shall not apply to the following:
  - (a) Signs or clocks attached to buildings which project not more than 6' from the face of such building and which do not extend below any point 12' above the sidewalk, street or alley.
  - (b) Awnings which do not extend below any point 7' above the sidewalk, street or alley.
  - (c) Public utility encroachments duly authorized by state law or the City Council.
  - (d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3' on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than 2 hours.
  - (e) Temporary encroachments or obstructions authorized by permit granted pursuant to S. 66.045, Wis. Statutes.

- (f) Excavations and openings permitted under S. 16.07 of this Code.
- (g) The placing of building materials on a streets, sidewalk, or alley under a permit granted by the Public Works Committee.
- (h) The moving of buildings under a permit granted by the Public Works Committee.

**8.11 SNOW REMOVAL**

- (1) The owner, occupant, agent or person in charge of buildings and lots or parcels of land in front of which there are sidewalks, shall, within 24 hours after each fall of snow remove the snow from the full length and width of such sidewalk in front of such premises without notice, and if such owner, occupant, agent or person in charge shall fail to so remove snow from such walk within such time the Public Works Committee shall remove or cause the snow to be removed from such walk within such time the Public Works Committee shall remove or cause the snow to be removed from such walk, and shall report the cost thereof to the City Clerk who shall cause such costs to be entered in the next tax roll as a tax against the property and such tax collected in the same manner as other City taxes.
- (2) SNOW REMOVAL FROM PRIVATE PROPERTY. No person shall deposit or cause the deposit directly or indirectly of snow or ice from private property upon the City right-of-way of any streets or alleys. If such person or persons does deposit snow or ice directly or indirectly upon said City right-of-ways, the snow shall be removed by the City and the cost for removal shall be reported to the City Clerk who shall cause such costs to be entered in the next tax roll as tax against the property and such tax collected in the same manner as other City taxes.

**8.12 HOUSE NUMBERING.**

- (1) NUMBERING PLAN. All houses and lots in the City shall be numbered in accordance with the plan set forth in this Chapter.
- (2) BASE OR DIVISION LINE. The base or division line or assigning numbers to houses and lots in the City shall be the Ahnapee River.
  - (a) All houses and lots (or parts of lots as limited herein) north of said Ahnapee River shall be known as located at number \_\_\_\_\_ North \_\_\_\_\_ Street; and north of said river, i.e. in the Third Ward of said City all houses and lots west of Church Street shall be known as located at number \_\_\_\_\_ West \_\_\_\_\_ Street.
  - (b) All houses and lots south of said Ahnapee River shall be known as located at number \_\_\_\_\_ Street; and all houses and lots located west of First Street shall be known as located at number \_\_\_\_\_ Street.

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- (3) **BLOCK NUMBERING.** The number of blocks shall be increased from the respective base lines in even numbers, via: The first block shall be 100, second block shall be 200, the third block shall be 300, etc., and there shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other, and at least one number shall be assigned to each 20 feet of frontage or fraction thereof, in the discretion of the Public Works Committee.
- (4) **HOUSE NUMBERING.** All lots and houses on the north and west side of all streets shall be numbered with the odd numbers, each commencing with the hundred assigned to that block, and shall increase from the base line at least one number for each 20 feet of frontage or fraction thereof, in the discretion of the Public Works Committee.
- (5) **STREETS NOT EXTENDING TO BASE LINE.** All streets not extending to the base line shall take the same number of hundreds that the said street would take had it extended to the said base line, and in case the number is not otherwise determined by the Public Works Committee.
- (6) **AFFIXING HOUSE NUMBERS.** The owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned by the Building Inspector under the uniform system provided for in Sub. (1). The cost of the number or numbers shall be paid for by the property owner. Replacement of numbers shall be procured and paid for by the owner in the same manner.
- (7) **PENALTY OF FAILURE TO NUMBER.** If the owner or occupant of any building required by this chapter to be numbered shall neglect to duly attach and maintain the proper number on such building, the Public Works Committee may serve upon him a notice requiring such owner or occupant to properly number the same, and if he neglects to do so for 10 days after service of such notice, he shall be guilty of a violation of this chapter.
- (8) **SUFFIXES TO NUMBERS.** Where only one number is available for 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, fronting on any street, such owner, occupant or agent shall use the suffix "A", "B", "C", etc., as may be required.
- (9) **GENERAL INSPECTOR TO ASSIGN NUMBERS.** The General Inspector shall inform any party applying therefor, the number or numbers belonging or embraced within the limits of said lot or property as provided in sub. (1).
- (10) **NUMBER TO BE OBTAINED PRIOR TO ISSUANCE OF BUILDING PERMIT.** No building permit shall be issued for any house, building or structure until the owner of his agent has procured from the General Inspector the official number of the premises.
- (11) **DUTY OF POLICE.** All policemen shall report any violation of any

provision of this section.

**8.13 PENALTY.**

Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder, shall be subject to a penalty as provided in Sec. 20.04 of this Code.