Title 6 ▸ 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/her 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 or its designee, the Village Board or its designee 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. 66.0627, Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

Sec. 6-2-2 Construction and Repair of Sidewalks; Cost of Curb and Gutter.

(a) **Board May Order.** The Village Board may determine that sidewalks or curb and gutter 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.

(b) **Sidewalks Required.**

(1) The following conditions shall require the installation of sidewalks, per resolution of the Village Board:

a. On state and county highways improved with curb and gutter.

b. On arterial and collector streets improved with curb and gutter.

c. Around any residential block in which sidewalk exists along fifty percent (50%) or more of the total length around said block.

d. Whenever the Village Board deems sidewalks to be necessary for safety purposes.

e. When required under Title 14 for a new subdivision.

(2) Areas of the community that meet the criteria to require sidewalks, but which presently do not have sidewalks, may be required per resolution of the Village Board, to have sidewalks installed in the future.

(c) **Apportionment of Sidewalk and Curb and Gutter Costs.**

~~(1) ***Repair and Reconstruction.*** It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks, curb and gutter along or upon any street, alley or highway in the Village of Elk Mound. The Village Board shall levy a special assessment for such improvements. Sidewalks and curb and gutter in new subdivisions shall be installed by the developer, at his/her cost, pursuant to the Village's Subdivision Ordinance. Whenever the Village Board shall by resolution determine that a sidewalk, driveway, curb and gutter be laid, rebuilt, repaired, lowered or raised along or upon any street, alley or highway within the Village of Elk Mound, it shall proceed according to Secs. 66.0701, 66.0715(2), 66.0803, 66.0807, 66.0907 and 66.0907, Wis. Stats.~~ See Amendment 15-1

(2) ***New Subdivision Sidewalks.*** Sidewalks required in new subdivisions and developments shall be paid for by the land divider or developer pursuant to Title 14 of this Code of Ordinances. New sidewalks constructed in existing areas of the Village shall be paid for by adjacent property owners.

(3) ***Assessment a Lien.***

a. Said special assessment shall remain a lien on the premises until paid in full and shall be entered on the tax roll as a special tax as above provided and failure to pay when due shall result in the whole balance being immediately due and payable and collectible as a delinquent tax against the above described property and that all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such special assessment.

b. Corner lots will be assessed at one hundred percent (100%) of established rate on a per foot basis on the "address side." The adjoining side will be assessed at fifty percent (50%) of the first one hundred twenty (120) feet or fifty percent (50%) of the actual cost. The remaining fifty percent (50%) will be paid by the Village; however, the Village will not pay more than the established rate. The remaining footage over one hundred twenty (120) feet will be assessed to the property owner at one hundred percent (100%) of the established rate.

(d) **Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Elk Mound unless he/she is under contract with the Village to do such work or has obtained a permit therefore from the Clerk-Treasurer or Director of Public Works at least two (2) business days before work is proposed to be undertaken. A fee as prescribed in Section 1-3-1 shall be charged for such permit.

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

(1) ***General.***

a. All sidewalks shall be constructed of masonry meeting Wisconsin Department of Transportation Standard Specifications, unless otherwise specified in this Section.

b. 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. All sidewalks constructed in the Village shall conform to the line and grade established by the ordinances or resolutions of the Village. Where no grade has been established as ascertained by the records, the Village Engineer shall prepare and report a grade for the approval of the Village Board; and, when the same has been established, the Village Engineer shall stake out the sidewalk as ordered by the Village Board. No sidewalk shall be laid under the provisions of this Section until a grade therefor has been established by the Village Board.

(2) ***Subgrade.*** All earth, dirt and material shall be removed to a depth, not less than eight (8) inches, ten (10) inches across private driveways, below the grade line; and the space shall be filled with crushed stone, sand or gravel. The base shall be left four (4) inches thick after being tamped, with the stone or gravel to be not larger than one and one-half (1-1/2) inches in diameter and to be free from dirt, dust and foreign matter. Soft, porous and unsuitable subgrade material shall be removed and replaced with sand, gravel, or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. On embankments, the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

(3) ***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. Where the sidewalk does not abut the 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 Director of Public Works.

(4) ***Concrete.*** 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. Bituminous sidewalks are prohibited.

(5) ***Forming.*** 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. 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. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.

(6) ***Jointing, Floating and Finishing.*** Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half (1/2) inch expansion joint shall be placed. Transverse expansion joints of one-half (1/2) inch thick and four (4) inches wide and five (5) feet long or premolded material shall be located every thirty (30) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have one-half (1/2) by four (4) inch expansion joints of premolded material.

(7) ***Slope.***

a. All forms must be approved by the Director of Public Works or other inspector designated by the Director of Public Works before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-half (1/2) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool.

b. In cases where the grade exceeds fifteen percent (15%), steps or special construction shall be required to fit the existing conditions. Such details shall be prepared by the Village Engineer and approved by the Village Board before construction of the walk is started.

c. Sidewalks shall be constructed within the limits of the street right-of-way (terrace), and unless otherwise specifically indicated, there shall be a one (1) foot strip of street property left between the property line and the edge of the sidewalk.

(8) ***Width and Thickness.***

a. All residential sidewalks in the Village shall be five (5) feet in width. Sidewalks shall have a four (4) foot setback from the curb back to the sidewalk.

b. The width of sidewalks in commercial areas shall be as determined by the Village Board.

c. Residential walks shall be not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches. Sidewalks in front of commercial or industrial establishments shall be not less than five (5) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches.

d. 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 herein before 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. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Spec. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Concrete shall be kept moist by sprinkling, covering or a combination of both for a period of five (5) days.

(11) ***Cold Weather Requirements.*** When the temperature is less than forty degrees Fahrenheit (40°F), all concrete placed in the forms shall have a temperature between fifty degrees Fahrenheit (50°F) and seventy degrees Fahrenheit (70°F) and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.

(12) ***Variances – Location or Materials.***

a. ***Location.*** Where the location of a sidewalk in accordance with the specifications established herein would severely conflict with the location of trees, or the root systems thereof, a written variance to the specifications may be issued by the Director of Public Works permitting the sidewalk to be located so as to reduce such conflict. No variance shall be issued if the public safety or welfare would be adversely affected thereby. An application fee shall be charged for such variance as prescribed in Section 1-1-6.

b. ***Material.*** Where the property owner desires to use non-standard materials such as brick, aggregate or cobblestone, in the construction of a sidewalk, a written variance to the specifications established herein may be issued by the Village Board to permit the use of such non-standard material. No variance shall be granted for any portion of a sidewalk which crosses or is part of a driveway, nor shall a variance be granted if the public safety or welfare would be adversely affected thereby. A condition of the granting of a variance under this subparagraph shall be the execution and recording of an indemnity agreement running with the land binding the property owner, his/her successors and assigns, holding the Village harmless from any liability, loss or damage resulting from the use of such non-standard materials. An application fee as prescribed in Section 1-3-1 shall be paid at the time of applying for the variance.

(13) ***Higher Standards.*** Where deemed necessary by the Village, higher sidewalk standards may be required by the Village Board.

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

~~(1) ***Sidewalk Repair or Replacement.*** Pursuant to Sec. 66.0907, Wis. Stats., the Village Board may order 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 for a period of twenty (20) days after service of the notice provided in Sec. 66.0907, Wis. Stats., the Village Board shall cause the necessary repairs or construction of such sidewalk, and fifty percent (50%) of the total cost of such repair or construction shall be entered upon the tax roll as a special tax against said lot or parcel of land; the Village shall be responsible for the remaining fifty percent (50%).~~ See Amendment 15-2

(2) ***Repair Criteria.***

a. The Village Board may determine that any sidewalk which is unsafe, defective, or insufficient be repaired or removed and replaced with a sidewalk in accordance with this Section. The existence of any one or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:

1. Three-fourths (3/4) inch or more vertical differential between adjacent individual sidewalk blocks (crack in slab).
2. One and one-fourth (1-1/4) inch horizontal distance between adjacent individual sidewalk blocks.
3. Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block.
4. Cracked blocks (regardless of the width of the crack) on either side of the block that is defective per these specifications.
5. Poles, trees or other objects creating hazards.
6. Sidewalk sections which are out of conformance with design grade to the degree that water ponds.

7. Broken corners which are greater than three (3) inches in any dimension.
8. Blocks deemed to be unsafe because of surface deterioration.
9. Sidewalk blocks which were previously found to be defective upon subsequent inspection.

(3) **Deficiency Formula.** If sixty-five percent (65%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.

(4) **Procedure.**

a. ***Authority of Board; Inspections.***
   1. The Village Board may order by ordinance or resolution sidewalks to be repaired as provided in this Subsection.
   2. The Village Board designates the Director of Public Works as the person resopnsible for the inspection of sidewalks in the community. The Director of Public Works shall, by himself/herself or through a designated agent of his/her department, recommend which sidewalks in the community are in need of replacement.
   3. By September 1st, the Director of Public Works shall inform the Village Clerk-Treasurer which sidewalks are recommended for replacement during the next budget year.
   4. Defective sidewalks on streets to be reconstructed are to be replaced in all cases as part of the street reconstruction project.

b. ***Repair Order.*** The Village Board may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Board.

c. ***Notice.*** A copy of the ordinance, resolution or order directing the laying, removal, replacement or repair of sidewalks shall be served upon the owner or an agent, of each lot or parcel of land in front of which the work is ordered. The Public Works and Street Committee, or either the Public Works Director or the Village Engineer if so requested by the Board, may serve the notice. Service of the notice may be made by any of the following methods:
   1. Personal delivery.
   2. Certified or registered mail.
   3. Publication in the official newspaper as a Class I notice, under Ch. 985, Wis. Stats., Wis. Stats., together with mailing by 1st class mail if the name and mailing address of the owner or an agent can be readily ascertained.

d. ***Default of Owner.*** If the owner neglects for a period of twenty (20) days after service of notice under Subsection (e)(3) to lay, remove, replace or repair the sidewalk, the Village may cause the work to be done at the expense of the owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except as provided in Sec. 62.15(1), Wis. Stats.

e. ***Minor Repairs.*** If the cost of repairs or any sidewalk in front of any lot or parcel of land does not exceed the sum of One Hundred Dollars ($100.00), the Public Works and Street Committee, if so required by the Board, may immediately repair the sidewalk, without notice, and charge the cost of the repair to the owner of the lot or parcel of land, as provided in this Section.

f. ***Expense.*** The Public Works and Street Committee shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land, whether the work is done by contract or otherwise, and report the expenses to the Board. The Board shall anually prepare a statement of the expense incurred in front of each lot or parcel of land and report the amount to the Village Clerk-Treasurer. The amount charged to each lot or parcel of land shall be entered by the Village Clerk-Treasurer in the tax roll as a special tax against the lot or parcel of land and collected like other taxes upon real estate. The Board by resolution or ordinance may provide that the expense incurred may be paid in up to ten (10) annual installments, and the Village Clerk-Treasurer shall prepare the expense statement to reflect the installment payment schedule. If annual installments for sidewalk expenses are authorized, the Village Clerk-Treasurer shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special tax against the lot or parcel each year until all installments have been entered, and the amount shall be collected like other taxes upon real estate. The Board may provide that the Public Works Director or Village Engineer perform the duties imposed by this Section on the Public Works and Street Committee.

g. ***Repair at Village Expense.*** The Board may provide that sidewalks shall be kept in repair by and at the expense of the Village or may direct that a certain proportion of the cost of construction, reconstruction or repair be paid by the Village and the balance by the abutting property owners.

(g) **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.

(h) **Curb and Gutter Specifications.** Curb and gutter shall be installed in accordance with specifications established by the Village Board. Asphalt curb and gutter is prohibited

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

Sec. 6-2-3 Excavations of Streets, Alleys, Public Ways and Grounds.

(a) **Permit Required.**

(1) ***Permit to Be Obtained.*** 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 ditch, public ground, public sidewalk or Village-owned easement within the Village of Elk Mound without a permit therefor from the Village Clerk-Treasurer or Director of Public Works.

(2) ***Fee.*** There shall be no fee for a street opening permit. Applications may be made for multiple street openings on one (1) application form; however, each opening must be listed at the time the application is submitted to the Director of Public Works or Village Clerk-Treasurer for approval. If the street opening is made prior to the receipt of an approved street opening permit from the Director of Public Works or Clerk-Treasurer, the application and review fee shall be as prescribed in Section 1-3-1 plus any actual expenses.

(3) ***Fee; Emergency Excavation.*** In the event of an emergency excavation for the protection of property, life, health, or safety and as authorized in Section 6-2-4(h), there shall be no permit fee (except any actual Village expenses shall be charged to the permittee) provided the application for the street opening permit is filed with the Director of Public Works or Clerk-Treasurer within two (2) regular business days of the excavation in accordance with Section 6-2-4(h). If the permit application for the emergency excavation is not filed within two (2) regular business days, the application and review fee shall be as prescribed in Section 1-3-1 plus any actual Village expenses.

(4) ***Surcharge.*** In addition to any permit fees or Village expenses, a surcharge shall be levied for any street opening which is in, or disturbs, the paved portion (final surface) of any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village of Elk Mound. The surcharge shall be determined as follows:

Age of the Final Paving	**Surcharge**
New pavement to 1 year	5 times the $75 late permit fee
1 year to 2 years	4 times the $75 late permit fee
2 years to 3 years	3 times the $75 late permit fee
3 years to 4 years	2 times the $75 late permit fee
4 years to 5 years	1 times the $75 late permit fee
More than 5 years	No surcharge

(b) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his/her agent. The applicant shall submit to the Clerk-Treasurer or Director of Public Works, 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 or Director of Public Works 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 or Director of Public Works.

(d) **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval.

(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 or Director of Public Works. Permit renewals shall be issued at the discretion of the Clerk-Treasurer or Director of Public Works.

(f) **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.

(g) **Insurance.** At the time of permit application, a permittee must furnish the Village satisfactory written evidence that he/she has in force and will maintain during the life of the permit and the period of excavation, insurance, with the Village of Elk Mound named as an additional insured, as follows:

(1) ***Worker's Compensation.*** Worker's compensation with limits as prescribed by the State of Wisconsin.

(2) ***Motor Vehicle Liability.*** Comprehensive motor vehicle liability with limits of Five Hundred Thousand ($500,000.00) for injuries to one (1) person and Five Hundred Thousand ($500,000.00) for any one (1) accident and property damage of not less than Five Hundred Thousand Dollars ($500,000.00). Motor vehicle liability shall cover owned, non-owned and hired vehicles.

(3) ***General Liability.*** Comprehensive general liability, with limits of not less than One Million Dollars ($1,000,000.00) each occurrence. The insurance coverage shall include the acts or omissions of any contractor, his/her employees, agents or subcontractors, and include explosion, collapse and underground liability coverage. A form of blanket contractual liability to indemnify and save harmless the Village of Elk Mound, its officers, agents and employees from any and all liability for accidents or damage caused by or arising from any work covered by the permit shall also be included in such insurance coverage.

(4) ***Completed Operations and Product Liability.*** This policy shall provide completed operations and product liability coverage for the period of time set forth in the permit and any extensions thereof and for a period one (1) year after final completion of the work. Limits of liability shall be the same as general liability.

(5) ***Umbrella Policy.*** The limits of liability mentioned above can be provided through split limits or through a combination of underlying an umbrella liability. Limits mentioned are minimum to be provided under any policy or combination of policies.

(h) **Bond/Cash Deposit.**

(1) Whenever the Director of Public Works estimates that an excavation/opening project will involve over Five Thousand ($5,000.00) in work and before a permit for

excavating or opening any street or public way for such project may be issued, the applicant must execute and deposit with the Village Clerk-Treasurer, determined and approved by the Director of Public Works, an indemnity bond or cash deposit, as directed by the Village, in the sum of not less than One Thousand Dollars ($1,000.00) up to Ten Thousand Dollars ($10,000.00), conditioned that he/she will indemnify and save harmless the Village of Elk Mound and its officers from all liability for accidents and damage caused by any of the work covered by his/her permit, and that he/she 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/she may make as near as can be to the state and condition in which he/she 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/she will pay all fines of forfeitures imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying 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, it shall give written notice thereof to the contractor or to his/her 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 specified, 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.

(i) **Public Utilities.** All public utilities as defined in Sec. 66.0801 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6-2-4,

any and all subparagraphs thereunder, except that a Village public utility as defined within this Section shall not be required to post the indemnity bond.

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 or its designee 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 or its designee, 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 Director of Public Works, 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/her 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/her project. In the event traffic is limited to less than one (1) 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 Director of Public Works 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, the 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).

(6) Trenches adjacent to the roadway left open during non-working hours shall be protected with snow fence along the entire trench edge and shall be marked with flashing barricades at each end.

(7) No equipment or construction materials may be stored during non-working hours within Village roadway right-of-way.

(8) No steel track construction equipment may be driven on or over paved Village roadways.

(9) Prior to beginning any work on Village roadways, the Village Clerk-Treasurer's office and Director of Public Works shall be given the names and telephone numbers of at least two (2) contractor employees who may be contacted during non-working hours.

(10) Construction materials spilled or tracked on pavement shall be immediately swept off by power broom equipment.

(11) No excavated materials may be stored temporarily or permanently within Village roadway right-of-way.

(12) The Village may elect to have the Village or an outside contractor make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one (1) year shall be charged to the person making the street opening.

(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/her work and in accordance with all applicable codes and regulations.

(2) Precautions shall be taken to prevent damage to road pavements. Sheathing and bracing or the use of a portable trench box should be used to prevent undermining of material below the existing pavement. If damage is done to the pavement, it shall be restored.

(3) 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 for 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 Director of Public Works shall, on the basis of an on-site inspection, approximate the boundaries of the pavement replacement area.

(4) 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.

(5) The Director of Public Works 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 watercourses 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 Director of Public Works, 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 Director of Public Works, 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 permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation.

(4) Backfill of excavated area shall be done per Attachment A — Special Provisions for Backfilling. Slurry backfill shall first be placed as noted above, then twelve (12) inches (after compaction) of crushed aggregate of gradation No. 3 shall be placed, and then five (5) inches of bituminous concrete pavement (hot mix, surface course) shall be laid in two (2) compacted lifts.

(5) When allowed by the Village, mechanical compaction may 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-1557).

(6) 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.

(7) 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 Clerk-Treasurer or Director of Public Works 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 Clerk-Treasurer or Director of Public Works 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 three (3) 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 and one-half (1-1/2) 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. If hot mix is temporarily not available, the hot mix shall be temporarily replaced with cold mix. The cold mix shall be removed and replaced with hot mix upon availability.

(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 Village officials.

(4) All permanent restoration of street, curb and gutter shall be of the same type and thickness as the curb and gutter which abuts. The grade of the restored curb and gutter shall conform with the grade of the existing adjacent curb and gutter. Existing grass and terrace areas shall be covered with a minimum of four (4) inches of topsoil. Topsoil shall be seeded with perennial grass seed at a rate of two (2) pounds per one thousand (1,000) square feet.

(5) All permanent restoration of driveways and sidewalks shall conform to the manner of construction as originally placed and to the lines and grades as given by the Village Engineer. No patching of concrete driveway areas will be allowed between joints or dummy joints.

(6) 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.

(7) When a street is reconstructed, utility laterals shall also be installed, including sump pump laterals, even if not immediately needed.

(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/her 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, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify the Village office 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 Clerk-Treasurer shall notify 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 or its designee, 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.

(j) **Repair by Village.** The Village may elect to make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one (1) year shall be charged to the person making the street opening. In the event such charges are not paid within ninety (90) days of actual notice of the same having been furnished the applicant and owner of the premises for which said permit was issued, it shall become a lien against said premises and thereafter be assessed and collected as a special tax.

Sec. 6-2-5 Obstructions and Encroachments.

(a) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to

public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he/she is the owner or occupant. Examples of prohibited encroachments or encumberances include private underground utility installations such as sprinkler systems and "invisible" dog fencing; as well as decorative berms or plantings within the road right-of-way. Exceptions are 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 Director of Public Works 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.

(4) Signs or clocks attached to buildings which project outward from properties not more than six (6) feet from the face of any such building, unless otherwise approved and which do not extend below any point ten (10) feet above the sidewalk, street or alley, unless otherwise approved by the Village Board.

(5) Awnings which do not extend below any point seven and one-half (7.5) feet above the sidewalk, street or alley.

(6) Public utility encroachments authorized by state law or the Village Board.

(7) Planters, benches, hanging flower pots and banners which are part of a motif and which have been authorized by the Village Board, and are located in the B-1 Business District, provided that the encroachment shall leave a minimum of four and one-half (4.5) foot width of public sidewalk clearance and all hanging items must be a minimum height of seven and one-half (7.5) feet to the bottom of the hanging fixture above the sidewalk, street or alley.

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

(c) **Merchandise or Personal Property on Sidewalks.** Unless expressly authorized to do so by the Village Board, no person shall use the sidewalk, or any part thereof, for the display of merchandise or the storage of any merchandise or other personal property. The only exception to this provision is that storage of merchandise or other personal property is allowed when it meets all of the below enumerated conditions. Under this exception, property owners may place certain fixtures on sidewalks which immediately adjoin their property if the following requirements are met:

(1) The property must be located in an area zoned for, or primarily used for, commercial/business uses.

(2) Fixture(s) for display of merchanise shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.

(3) The placement of the fixture shall not significantly impede the flow of pedestrian traffic on the sidewalk. No person shall obstruct or impede the pedestrian right-of-way of any paved public sidewalk with any merchandise or personal property, except as provided herein. Merchandise shall be located adjoining the building it is marketed from and shall not encroach more than thirty (30) inches from the building facade and in all cases, the unobstructed sidewalk area must be a minimum of five (5) contiguous feet in width in order to comply with the Americans with Disabilities Act (ADA) requirements, as from time to time amended.

(4) Displayed merchandise shall be consistent to that sold within the business and shall not include food or beverage items.

(5) Displayed merchandise or personal property must be removed each day following the close of business, but in no event shall the merchandise be permitted outdoors between the hours of 6:00 p.m. and 7:00 a.m. nightly.

(6) Displaying merchandise or personal property on a paved sidewalk shall constitute express permission of the property and/or business owner for the Village to take corrective, remedial and removal action(s). The Village may also prosecute violations of this Subsection and seek injunctive relief, from time to time and at any time. The cost of such correction, remediation, and/or removal shall be paid by the property or business owner(s).

(7) The property and business owners are jointly and severally liable for any and all injury to any person or property directly and/or indirectly caused by their joint or several negligence and/or activities occurring on the paved sidewalk under this Subsection.

(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/she 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/she 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 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 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 temporary use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Clerk-Treasurer or 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. 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 Clerk-Treasurer shall request advisory recommendations from the Director of Public Works, Chief of Police and/or Building Inspector prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance. Temporary placement of merchandise on sidewalks shall be governed by Section 6-2-5.

(b) **Bond/Cash Deposit.** No street privilege permit shall be issued until the applicant shall execute and file with the Clerk-Treasurer a bond or cash deposit in an amount determined by the Director of Public Works not exceeding Ten Thousand Dollars ($10,000.00), 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. Upon request, the Village Board may waive this requirement.

(c) **Fee.** The fee for a street privilege permit shall be as prescribed in Section 1-3-1, plus any actual Village costs.

(d) **Conditions of Occupancy.** The permission to occupy or obstruct the streets, alleys, sidewalks or 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 Village Board, Director of Public Works, Building Inspector, Clerk-Treasurer or law enforcement officer 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 Village Board, 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 Village Board.
(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 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 Village Board to do so, it shall be the duty of the Village Board to remove such obstruction and make return of the costs and expenses thereof to the Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

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

Sec. 6-2-7 Snow and Ice Removal.

(a) **Removal From Sidewalks.** Within twenty-four (24) hours after the cessation of any fall of sleet or snow, it shall be the duty of the owners and/or the occupants of any lot or parcel of land in the Village of Elk Mound to remove, or cause to be removed, the snow or sleet from any and all sidewalks adjacent to the premises of such owner or occupant, and to keep the same free and clear of snow and ice for the full width of the sidewalk.

(b) **Failure to Remove.**

(1) ***Hazardous Conditions; Notice to Abate.*** If the Director of Public Works, a Village law enforcement officer or other designated Village officials and employees determine that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, he/she shall cause the issuance of a written notice to the owner, occupant or person in charge of any parcel or lot directing that the snow and ice be removed within twelve (12) hours from the delivery of the notice. In the event the property owner, occupant or person in charge of said parcel or lot is unavailable to receive a written notice, Village officials may cause the removal of the snow and/or ice. The law enforcement officer and other designated Village officials and employees shall send a written notice to the last-known address of the property owner notifying him/her that a hazardous snow/ice condition existed which required immediate abatement.

(2) ***Removal by Villlage.*** In case of failure or neglect of any owner or occupant of any land or parcel of land to remove the snow or sleet (ice) from sidewalks as specified in Subsection (a) within the time set forth in said Subsection and, after twenty-four (24) hours after the cessation of any fall of snow, the owner or occupant has failed to remove such snow from sidewalks as specified in Subsection (a), the Director of Public Works shall remove or cause the snow or sleet (ice) to be removed from any and all sidewalks and cross-sidewalks that may be so neglected by the owner or occupant, and a fee established by the Village Board shall be assessed against the owner or occupant for the cost and expense of moving such snow or sleet (ice). In the event a property owner has not paid all bills relating to ice or snow removal by the time that real estate taxes and other special charges are levied, the Clerk-Treasurer shall enter in the tax roll as a special tax against the real estate involved the total unpaid charges for ice and snow removal for the previous year. The ice and snow removal charges shall be collected in all respects like other taxes upon real estate and interest shall accrue thereon in like manner.

(c) **Snow and Ice Not to Encroach.**

(1) ***Streets and Sidewalks.*** 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 from their sidewalks onto the public streets. Failure to remove snow and ice within twenty-four (24) hours shall also constitute a public nuisance and subject responsible persons to the penalties applicable for violation of Village public nuisance ordinances.

(2) ***Handicapped Parking Spaces.*** No person, firm, corporation or partnership or the owner, tenant, lessee or occupant of any premises having parking spaces reserved for handicapped drivers or any contractor employed for the removal of snow and ice shall

block access to parking spaces reserved for handicapped drivers by the plowing, piling or placement of snow and ice in such reserved spaces.

(3) ***Fire Hydrants.*** It shall be unleawful to cover a fire hydrant with snow or ice.

(4) ***Improper Disposal on Private Property Without Authorization.*** No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.

(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 pending notice issued under this Section. Failure to remove snow and ice within twenty-four (24) hours shall also constitute a public nuisance and subject responsible persons to the penalties applicable for violation of Village public nuisance ordinances.

(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 (a) shall result in a citation being issued to violators and/or the Village causing the removal of said snow and/or ice and billing the cost thereof pursuant to Subsection (g) below.

(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. Said expenses shall be not less than as prescribed in Section 1-3-1. 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 thirty (30) days after such costs and expenses are incurred and remain unpaid, the Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by Sec. 66.0627, 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 1-1-6 of this Code of Ordinances.

State Law Reference: Sec. 66.0627, Wis. Stats.

Sec. 6-2-8 Terrace Areas.

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

(b) **Noxious Weeds; Paving.** All that part of a residential 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, sprinkler systems, decorative berms, "invisible" dog fencing, 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/her 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.

Cross Reference: Title 6, Chapter 4.

Sec. 6-2-9 Vaults.

All vaults and cisterns under sidewalks shall be prohibited.

Sec. 6-2-10 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 15th to be considered for installation in the following year.

Sec. 6-2-11 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. Such unlawful material or obstruction may be removed by the Village and the cost thereof billed to the violator pursuant to Sec. 66.0627, Wis. Stats.

Sec. 6-2-12 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 placed 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. Such unlawful material or obstruction may be

removed by the Village and the cost thereof billed to the violator pursuant to Sec. 66.0627, Wis. Stats.

Sec. 6-2-13 Street Numbers.

(a) **Uniform Numbering System.** A uniform system of numbering properties and principal buildings, as shown on the map identified by the title official village map, which is filed in the office of the Clerk-Treasurer, is hereby adopted for use in the Village of Elk Mound. This map and all explanatory matter thereon, is hereby adopted and made a part of this Section by reference.

(b) **Assignment of Numbers.**

(1) All properties or parcels of land within the boundaries of the Village of Elk Mound shall hereafter be identified by reference to the uniform numbering system adopted herein, provided: all existing numbers of property and buildings not now in conformity with provisions of this Section shall be changed to conform to the system herein adopted within six (6) months from the date of passage of this Section (December 14, 1992).

(2) All properties on the west side of north-south roads and all properties on the north side of east-west roads shall be assigned even numbers. All properties on the east side of north-south streets and all properties on the south side of east-west roads shall be assigned odd numbers. An appropriate prefix of "N" or "W" will precede the number.

(3) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one (1) business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(c) **Street Numbers to Be Displayed.** The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him/her the official street number assigned to that building as provided in (a) 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. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. 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) **Administration.**

(1) The Village Clerk-Treasurer, or an outside firm contracted by the Village shall be responsible for maintaining the numbering system.

(2) The Village Clerk-Treasurer shall keep a record of all numbers assigned under this Section.

(3) The Village Clerk-Treasurer shall issue to any property owner in the Village of Elk Mound, upon request, a set of numerals for each principal building or separate front entrance to such building. In so doing, he/she shall issue only numerals for the number assigned to such building under the provisions of this Section; provided, however, that the Clerk-Treasurer may issue additional numerals in accord with the official numbering system whenever a property has been subdivided, or vandalism has taken place.

(e) **Noncompliance.** 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/her a notice requiring him/her to properly number the same, and if he/she neglects to do so for ten (10) days after service, he/she shall be subject to a forfeiture as provided in Section 1-1-6.

(f) **Duty of the Owner.** Whenever any house, building or structure shall be erected or located in the Village of Elk Mound after the entire work of establishing a uniform system of house numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to secure the correct number or numbers as designated from the Clerk-Treasurer for the said property and to immediately fasten the said number or numbers 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 Inspector the official number of the premises.

Sec. 6-2-14 Use and/or Lease of Village Equipment.

The Village of Elk Mound shall not permit any person to use and/or lease any Village office or public works equipment for private purposes. An exception to this policy is that Village trucks may be left at private premises in order to facilitate the loading of brush and stones; such vehicles shall not be driven or operated by non-Village employees.

Sec. 6-2-15 Dirt and Debris on Streets.

(a) In the interests of public safety, health and general welfare, community appearance, and efficiency of operation, it shall be unlawful to place, throw, leave, in any way deposit or permit to be deposited, or permit to remain any dirt, leaves, rubbish, litter, debris or material of any kind upon any street, sidewalk, alley, drainageway, or public ground in the Village of Elk Mound.

(b) The owner, occupant, or person in charge of private premises, which places, causes or permits to remain, any of said materials upon any street, sidewalk, alley, drainageway or public ground in the Village of Elk Mound shall immediately remove said materials at no cost to the Village.

(c) (1) The operator of any motor vehicle which tracks, drops, or places any materials upon any street, sidewalk, alley, drainageway or public ground in the Village of Elk Mound shall immediately stop and remove said materials at no cost to the Village.

(2) In the event said operator is performing work under the control or authority of the owner, occupant, or person in charge of the work on private premises, and said operator causes the deposition of any materials upon any street, sidewalk, alley, drainageway, or public ground in the Village of Elk Mound, and which said operator fails to remove said materials as required in Section (c) above, the owner, occupant, or person in charge of said work on said private premises, shall remove said materials at no cost to the Village.

(d) In the event the materials are not removed from the street in accordance with Subsections (b), (c), and/or (c)(1) above, the Village shall cause the removal of such materials and shall charge said operator, or said owner, occupant, or person in charge of said work the cost of the removal. In the event the person charged for said removal fails to pay such costs within thirty (30) days, it shall be entered on the tax roll as a special tax against said property.

(e) In addition to the costs of removal, said operator, or said owner, occupant, or person in charge of said property shall be subject to a penalty per occurrence as prescribed in Section 1-1-6. Each day that said materials are not removed, shall constitute a separate offense under this Section.

Sec. 6-2-16 Damages to Streets and Public Property.

(a) In the interests of public safety, health, general welfare, community appearance, and efficiency of operation, it shall be unlawful in any way to cause damage, injury, or destruction, to any portion or any fixture of any street, sidewalk, alley, drainageway, or public ground in the Village of Elk Mound.

(b) The person which causes damage, injury, or destruction of any portion of any street, sidewalk, alley, drainageway, or public ground in the Village of Elk Mound shall immediately stop and notify the Police Department that he/she has caused such damages and shall correct said damages within ten (10) days at no cost to the Village.

(c) (1) In the event the operator of any motor vehicle or equipment which causes damage, injury, or destruction of any portion of any street, sidewalk, alley, drainageway, or public ground in the Village of Elk Mound, fails to report such damage, it shall be considered a violation of this Section.

(2) In the event said operator is performing work under the control or authority of the owner, occupant, or person in charge of the work on private premises, and said operator causes the damage of any portion or fixture of any street, sidewalk, alley, drainageway, or public ground in the Village of Elk Mound, and which said operator fails to correct said damages as required in Section (c) above, the owner, occupant, or person in charge of said work on said private premises, shall correct said damages at no cost to the Village.

(d) In the event the damages are not corrected within ten (10) days, the Village shall cause the correction of said damages and shall charge the operator, or owner, occupant, or person in charge of said property the cost of correcting the damage. In the event the said costs remain unpaid following thirty (30) days, it shall be entered on the tax roll as a special tax against said property.

(e) In addition to the costs to correct damages, said operator, or said owner, occupant, or person in charge of said property shall be subject to a penalty per occurrence as prescribed in Section 1-1-6. Each day after said ten (10) days that the damages are not corrected, shall constitute a separate offense under this Section.

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

Sec. 6-2-17 Adoption of State Statutes Concerning Roads.

The statutory provisions in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said statutes, are hereby adopted and, by reference, made a part of this Section. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Section. Any future amendments, revisions or modifications of the statutory regulations incorporated herein are intended to be made part of this Section.

(a) Sec. 82.19 Highways, Discontinuance of
(b) Sec. 86.01 Materials Left in Highway
(c) Sec. 86.021 Highways, Cultivation of; Injury by Farm Machinery
(d) Sec. 86.022 Obstructing Highway with Embankment or Ditch
(e) Sec. 86.025 Camping on Highways
(f) Sec. 86.03 Trees, On and Adjacent to Highways
(g) Sec. 86.04 Highway Encroachments
(h) Sec. 86.05 Highways, Duty to Restore Entrances
(i) Sec. 86.06 Highways, Closing to Travel
(j) Sec. 86.07 Highways, Digging in Highways; Using Bridges for Advertising
(k) Sec. 86.105 Driveways, Snow Removal
(l) Sec. 86.19 Highway Signs, Regulation, Prohibition
(m) Sec. 146.13 Highways and Surface Waters, Discharging Noxious Matter Into

Sec. 6-2-18 Grass Clippings.

All grass clippings from lawnmowing or other sources shall not be allowed to accumulate upon any public street or be dumped on a public right-of-way in such a manner in the Village of Elk Mound where such grass clippings could wash into any storm sewer drainage inlet in significant quantities.