

Chapter 264
STREETS AND SIDEWALKS

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[HISTORY: Adopted by the Village Board of the Village of Coleman 9-6-1983 as Title 4, Chs. 1, 2 and 3 of the 1983 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Assessments — See Ch. 9.
Bicycles — See Ch. 109.
Sewers and water — See Ch. 248.
Snowmobiles — See Ch. 258.

Trees and shrubs — See Ch. 277.
Abandoned vehicles — See Ch. 287.
Vehicles and traffic — See Ch. 290.
Subdivision of land — See Ch. 304.

ARTICLE I
General Provisions

§ 264-1. Grades.

- A. Establishment of grades. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.
- B. Alteration of grade prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Coleman by any means whatsoever unless authorized or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk-Treasurer by the Clerk-Treasurer or the officer authorizing the alteration.

§ 264-2. Special assessments for improvements.

- A. Street grades to be established. It is hereby determined and declared necessary that street grades be established by resolution prior to the construction of permanent street improvements in the village.¹
- B. Definition. For the purposes of this section, the term "street improvement work" shall include the following:
- (1) Grading work to subgrade of streets.
 - (2) Granular base construction.
 - (3) Street surfacing construction.
 - (4) Curb and gutter construction.
 - (5) Sidewalk construction.
 - (6) Storm sewer construction.
- C. Proper drainage. In order to assure proper drainage of properties to the streets, no building permits shall be issued without the provision that the first floor of the proposed building shall be not less than 18 inches above the official street grade at the center of the building.
- D. Village to construct. The street improvements indicated in above Subsection B will be constructed by the village, and these improvements will be paid for in part or completely, as provided in other parts of this section, using the special assessment procedures set forth in § 66.0703, Wis. Stats.
- E. Cost apportionment. The proportion of cost apportionment for the special assessments for street improvement work items under above Subsection B shall be as follows:
- (1) Grading work cost will be apportioned 0% to village and 100% to property owners.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) Granular base course cost will be apportioned 0% to village and 100% to property owners.
 - (3) Street surfacing cost will be apportioned 100% to village and 0% to property owners.
- F. Costs included in assessment.
- (1) The assessable cost, as determined under Subsection E, shall include the full cost of the improvements, including labor, materials, equipment, and engineering costs, and an advance deposit must be made to cover all of these costs.
 - (2) The costs for all work at intersections shall not be included in the assessable cost, and the property owner's share shall be based on his proportional share of the frontage of his property to the total assessable frontage.
- G. Assessments a lien. All charges established in this section shall be direct liens upon the property improved.

§ 264-3. Sidewalk construction and repair.

- A. It shall be the duty of the abutting owner to repair and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Coleman and to pay the entire cost thereof. Whenever the Village Board shall, by resolution, determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Coleman, it shall proceed according to § 66.0907, Wis. Stats.²
- B. Permit required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Coleman unless he is under contract with the village to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.
- C. Specifications.
- (1) Subgrade. The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Director of Public Works, a subbase of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least one foot beyond each edge of the sidewalk.
 - (2) Material. All sidewalks shall be of air-entrained concrete composed of six bags per cubic yard of one-course construction and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
 - (3) Forms.

² Editor's Note: Amended at time of adoption of Code (see Ch. I, General Provisions, Art. I).

- (a) Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on 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.
- (b) To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of $\frac{1}{4}$ inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth-inch-radius edging tool.
- (4) Width and thickness. Residential walks shall be five feet in width and not less than four inches thick, except within driveway approaches where the minimum thickness shall be six inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not less than eight feet in width and five inches in thickness, except within driveway approaches where the minimum thickness shall be seven inches.
- (5) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten-foot straight edge, and any areas departing more than $\frac{1}{8}$ inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
- (6) Jointing. Transverse, full depth, one-half-inch thick expansion joints of premolded expansion material shall be located every 40 feet and at the property line and where the walk intersects another walk, curblines, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one inch in thickness and $\frac{5}{16}$ inch in depth, shall be placed at intervals of approximately five feet. Steel division plates shall be placed at right angles to the center line of the sidewalk at intervals of not less than 15 feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Director of Public Works.
- (7) Curing and drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "impervious coating," "wet fabric" or "paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specifications 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. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50° F.) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35° F. in any seventy-two-hour period or upon frozen subgrade.³

§ 264-4. 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 is the owner or occupant, except as provided in Subsection B.
- B. Exceptions. The prohibition of Subsection A shall not apply to the following:
- (1) Signs or clocks attached to buildings which project no more than six feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street, or alley.
 - (2) Awnings which do not extend below any point seven feet above the sidewalk, street, or alley.
 - (3) Public utility encroachments duly authorized by state law or by the Village Board.
 - (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.
 - (5) Temporary encroachments or obstructions authorized by permit under § 264-8.
 - (6) Excavations and openings permitted under Article III.
- C. Removal by village. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense thereof to the Village Clerk-Treasurer, who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

§ 264-5. Removal of rubbish and dirt.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt

³ Editor's Note: Former Secs. 4-2-3, Excavations of streets, alleys, public ways and grounds, and 4-2-4, Regulations governing excavations and openings, which immediately followed this section, were deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now Art. III, Excavations.

when notified to do so by the Village Board, the Board may cause the same to be done and report the cost thereof to the Village Clerk-Treasurer, who shall spread the cost on the tax roll as a special tax against the premises, or such cost may be recovered in an action against the owner or occupant.⁴

§ 264-6. Snow and ice removal.

- A. Owner's responsibility. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Coleman fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be, of snow or ice to the width of such sidewalk within 24 hours after each snowfall and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, sawdust or sand.
- B. Clearance of walks by village. The village shall cause all sidewalks which have not been cleared of snow and ice as required by Subsection A above to be cleared upon default of the person whose duty it is to clear or sprinkle the same. The Village Clerk-Treasurer shall keep an accurate account of the expenses of clearing ice and snow in front of each lot or parcel of land. The Clerk-Treasurer shall annually enter such expense in the tax toll as a special charge against each such lot or parcel of land, and the same shall be collected in all respects like other general property taxes upon real estate.
- C. Owner liability. If the abutting property owner fails to comply with the provisions in Subsection A of this section, he shall assume primary liability for damage or injury to property or persons resulting from such failure.

§ 264-7. Terrace areas.

- A. Definition. The definition of "terrace" shall be as defined in Chapter 277, Trees and Shrubs, § 277-2.
- B. Noxious weeds; paving. All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- C. Responsibility to maintain. Every owner of land in the village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

⁴ Editor's Note: Former Sec. 4-2-7, Burning in streets prohibited, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now Ch. 149, Fire Prevention, § 149-12, Open burning.

§ 264-8. Street privilege permits.

- A. When required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the village may be granted to applicants by the Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this section and has obtained a building permit if required by this Code.
- B. Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond in an amount determined by the Director of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Coleman 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.
- C. Fee. The fee for a street privilege permit shall be as set from time to time by the Village Board.
- 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 Director of Public Works for violation thereof:
- (1) Such temporary obstruction shall cover not more than $\frac{1}{3}$ 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 feet in width guarded by a closed fence at least four 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 Director of Public Works, 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 Director of Public Works.
 - (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 months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.

ARTICLE II
Driveway Construction and Repair

§ 264-9. Permit required; installation.

- A. Permit required. Unless otherwise especially permitted by resolution of the Village Board, upon written application giving the reason therefor, no person shall construct, repair or reconstruct any driveway across or through any sidewalk or curbing without having first obtained a permit from the Village Board for which a fee in the sum as set from time to time by the Village Board shall be charged. Such permit shall be issued upon an application form provided by the village and shall contain such information as the Village Board shall deem necessary. No permit shall be necessary for repair which does not exceed 18 square feet unless the Village Board deems it necessary in its sole discretion.
- B. Installation requirements.
- (1) No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk except by specific resolution of the Village Board.
 - (2) At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.
 - (3) No driveway apron shall extend out into the street further than the facing of the curb. All driveway entrances and approaches shall be so constructed as not to interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Village Board so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.
 - (4) Not more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Village Director of Public Works. Driveway approaches shall be at least 10 feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible so as not to interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner, with approval of the Village Board necessary before any utility may be relocated and the driveway installed.
 - (5) Workmanship and materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in § 264-3 of this chapter insofar as such requirements are applicable, including thickness requirements in § 264-3C(4).