

CHAPTER 8
PUBLIC WORKS
VILLAGE OF SLINGER, WASHINGTON COUNTY, WISCONSIN

ARTICLE 8.00 PUBLIC WORKS

8.01 STREET AND SIDEWALK GRADES.

- (A) Establishment. The grade of all streets, alleys and sidewalks shall be established and described by the Board and shall be recorded by the Village Clerk in this office. No street, alley or sidewalk shall be worked until the grade thereof is established.
- (B) Altering Grade Prohibited. No person shall alter the grade of any street, alley or sidewalk or public ground or any part thereof, unless authorized or instructed to do so by the Board.

8.02 SIDEWALK CONSTRUCTION AND REPAIR.

- (A) Authority of Director of Public Works. The Director of Public Works may from time to time determine where sidewalks shall be constructed and establish the width, determine the materials, prescribe the methods of construction of standard sidewalks and set the standards for different streets.
- (B) Permits.
 - 1. Required. No public sidewalks shall hereafter be constructed, without first obtaining a permit from the Director of Public Works. The application for a permit shall be made in writing upon a form furnished by the Village Clerk.
- (C) Inspections. Upon the laying of a sidewalk, the permit holder shall notify the Director of Public Works, who shall inspect the sidewalk to determine whether it conforms with the requirements of the permit. If the sidewalk does not conform, the Director of Public Works shall order the work to be removed and replaced in accordance with specifications on file with the Village Clerk within 20 days after the service of a written notice ordering such removal. If the owner refuses to replace such construction within 20 days after the service of the notice therefor, the Village may perform the work and assess the cost of such work against the owner.

8.03 CURB AND GUTTER CONSTRUCTION.

- (A) Initial Construction. Initial installation of curb and gutter in new subdivision's shall be the responsibility of the Developer.

- (B) Cost.
 - 1. The cost of the initial curb and gutter shall be borne by the abutting property owner or developer.
 - 2. The cost of replacing curb and gutter shall be borne by the Village.
- (C) Corner Lots. Owners of corner properties shall pay for the initial costs of curb and gutter as described in Section 8.11.

8.04 STREET EXCAVATIONS.

- (A) Permit Required. No person shall excavate in any street, alley or public ground without a permit therefor from the Village Clerk.
- (B) Protection of the Public. No permit shall be issued unless the method of construction and location of the work to be performed shall be such that the public safety and convenience will not be impaired. The person seeking the permit shall erect such barriers, warning lights and signs as to adequately inform the traveling public of the nature and location of the work being performed.
- (C) Repair or Street Opening. The person to whom a permit is issued under this section shall complete the work involved as soon as possible and shall immediately repair all pavements, gutters and sidewalks in as good a condition as before the opening and as may be directed by the Building Inspector.
- (D) Bond.
 - 1. Performance Bond. A performance bond in the penal sum of \$1,000 shall be required to pay for the cost of filling excavations and properly replacing the street surface.
 - 2. Indemnity Bond or Certificate of Insurance. In addition, the applicant shall file with the Village Clerk an indemnity bond or certificate of insurance, conditioned that the application will indemnify and save harmless the Village, its officers and agents against all injuries and property damage resulting or arising from any negligence on the part of the applicant or his agents, employees or subcontractors and that such applicant or his insurer shall notify the Village in writing 10 days prior to the cancellation of any certificate of insurance afforded hereunder.

3. Annual Bond. An annual bond may be given under this section covering all street excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified herein and in an amount determined by the Village Board as necessary to adequately protect the public and the Village.

8.05 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 land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Sub. (2).
- (B) Exceptions. The prohibition of Sub. (A) shall not apply to the following:
 1. Signs and Clocks attached to buildings which project not more than 6 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 7 feet above the sidewalk , street or alley.
 3. Public utility encroachments authorized by the Village.
 4. Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided such goods, wares, etc., do not remain thereon from more than 3 hours.
- (C) Building Materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Building Inspector. He may require such materials to be protected by barricades or appropriate lights.

8.06 REMOVAL OF ICE AND SNOW FROM SIDEWALKS.

- (A) Duty of Owner or Occupant

The owner or occupant of any lot or lands within the Village abutting upon a public street along the line of which sidewalk shall have been constructed, shall, whenever such sidewalk shall become encumbered with snow or ice, clear the entire width of the same therefrom within 24 hours after the cessation of each storm. In case it is impossible or impractical to remove the ices therefrom, the owner or occupant shall treat the same with sand, cinders, ashes, salt or some other substance continuously until removed so that such sidewalk will not be slippery or dangerous to

pedestrians. In case of the failure of any such owner or occupant to remove snow and ice from the entire width of the sidewalk or to treat the ice as hereinbefore set forth within the time aforesaid, it shall be the duty of the Director of Public Works to do so and the expense of such removal or treatment shall become a special tax or charge against the property, to be collected in the manner hereinafter specified."

(B) Assessment of Cost.

After clearing or treating any such sidewalk as provided in this section, the Director of Public Works shall file with the Village Clerk a written report containing a description of such lot or tract charge and the amount of expense chargeable to the same. The Clerk shall thereupon make out and mail to the owner of such lot or tract, at his last known address, an itemized statement of the cost, and when paid, the amount of bill shall be credited to the Village General Fund. If any such bill shall remain unpaid on October 1 next following the clearing and treating of the sidewalk, the Village Clerk shall insert such charge in the General Tax Roll of the Village; and the same proceeding shall be had thereafter for the collection of such taxes as in the case of other taxes extended upon said roll.

(C) Exceptions

The Village Board may, at its sole discretion, recognizing unusual topographical and geographical circumstances, provide sidewalk ice and snow removal on properties having rear lot sidewalks."

8.07 STREET NUMBERING PLAN.

(A) Street Numbering. All lots and parts of lots in the Village shall be numbered in accordance with the street numbering plan established by the Village. All lots and parts of lots hereinafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as set forth on the Village numbering plan.

(B) Numbering Required.

1. Existing Buildings. The owner of every house, dwelling and business established in the Village shall cause to be designated on or attached to such structure within 5 feet of its front entrance or directly above the door of a garage which is attached to or a part of the main structure, and which faces the street upon which such structure is located and to which such numbering pertains, figures or words indicating the street number of such structure, and shall

maintain such numbering in a good state of repair and attached to said structure.

2. New buildings. Within 20 days of completion, the builder or owner of every new dwelling or business establishment in the Village shall designate on or attach to such structure a street number in the manner set forth in paragraph (A) above.
- (C) Number Standards. The figures or words which shall be used to indicate the number of a structure shall be no less than 3 inches in height, shall be clearly visible from and of contrasting color to the color and surface of the underlying structure, and shall be clearly readable from a distance of 50 feet.
- (D) Penalty for Failure to Procure and Attach Numbers. Any owner or occupant of any building required to be numbered who neglects or fails to comply with this section in respect to attaching and maintaining the proper number on such building shall be notified by the Building Inspector, in writing, to comply with the terms of this section. If the owner or occupant neglects to so comply for 10 days after service of such notice, he shall be subject to forfeiture of not less than \$10.00 nor more than \$20.00, together with the costs of the prosecution. Each day that a violation continues to exist shall constitute a separate offense.

8.08 USE OF SIDEWALKS.

- (A) For Pedestrian Travel. All sidewalks within the Village shall be used for pedestrian travel.
- (B) For Horses and Motorized Vehicles. No sidewalk within the Village shall be used by horses or any motorized vehicle except for snow removal or crossing with a lawn mower.

8.09 CULVERT INSTALLATION & ROADWAY ACCESS.

- (A) Permit Required. No person shall make any excavation or fill or install any culvert or make any other alteration in any Village street or in any manner disturb any street without an access permit therefor from the Village Engineer.
- (B) Application.

Every application for a permit for excavation or fill, installation of a culvert, or any other alteration in any Village street shall be upon forms provided by the Village Engineer and shall be accompanied by such surveys, drawings or other materials and information as may be required

by the Village Engineer in the filing of the application. Any requests for a permit for excavation or fill, installation of a culvert or any other alteration on other than Village Streets shall be obtained from the highway authority maintaining the highway.

(C) Limitations & Standards.

1. No access to a roadway shall be permitted within one hundred (100) feet of the intersection of the right-of-way lines of an arterial street intersecting with another arterial street, or within fifty (50) feet of the intersection of the right-of-way lines of any other street intersecting with an arterial street.
2. In acting upon applications for access permits the Village Engineer shall, giving due regard to road surfaces, topography, visual obstructions, road grades, speed limits, traffic patterns and the development of nearby areas, determine whether the proposed access location is consistent with public safety, sound planning principles and the logical extension of roads and public services.
3. Culvert Size. All culverts, drain pipes, or other similar conduits placed on, in and along the public right-of-way of a Village street to provide private drive-way access constructed in such a manner and of such materials as to provide adequate provision for the flowage of water naturally accumulating or flowing along the ditches and rights-of-way of such roads. Such culverts shall not be less than twelve (12) inches in diameter (unless a greater size is required by State or County authorities) and shall be of sufficient length so as to prevent injury to persons or property in the use of the roadways or the entrances to or exists from the roadways over across such culverts provided that no culvert shall be less than twenty (20) feet nor more than thirty-five (35) feet in length. The Village Engineer is vested with the authority to determine the size of the culvert required in excess of the minimums here in prescribed. End culvert pieces or sections, when required, shall be the type designated by the Village Engineer.

(D) Fees.

Every application for an access permit shall be accompanied by a fee of \$25.00 to cover administrative expenses including an inspection of the location of the proposed access.

(E) Culvert Installation.

The applicant or his authorized agent shall provide and install each culvert placed in the right-of-way of a public street as required by the Village.

The ditch shall be properly prepared to accept the placement of the culvert, the abutting property line. The culvert shall be installed in accordance with the access permit and with sufficient gravel placed thereon to afford safe ingress and egress prior to the use thereof.

(F) Repairs and Replacement of Existing Culverts.

The Village Engineer shall investigate existing culverts or other drain pipes placed within the rights-of-way of Village streets and if he determines that an existing culvert is not properly maintained so as to provide for the proper flowage of water, he may order the abutting property owner to repair the same or to remove such culvert and replace it with a culvert meeting the requirements of this chapter.

(G) Street Damage.

The permit approved by the Village Engineer shall contain the statement and be subject to the condition that the work shall be constructed subject to the rules and regulations as may be prescribed by the Village Engineer and be performed and completed to his satisfaction, and which occur during the progress or said work or as a result thereof.

(H) All Debris carried onto any Village street shall be removed by the responsible party immediately or be subject to the provisions of State Statutes 86.07. If any culvert is installed or any excavation or fill or any other alteration is made in violation of this ordinance, the street may be restored to its former condition by the Village and cost of materials, labor and equipment incurred by the Village shall be billed to the abutting property owner and if not paid within thirty (30) days shall be a special assessment to be collected as a tax against the real estate property.

8.10 ASSESSMENT FOR PUBLIC WORKS INSTALLATION

(A) Assessment Philosophy

1. All new infrastructure installed in new development will be the responsibility of the developer.
2. All new infrastructure installed in existing developments will be assessed against the benefiting properties.
3. The replacement and/or repair of existing infrastructure will be paid for by the Village of Slinger.

4. Repair or replacement of infrastructure damaged due to negligence, neglect, or accident will be the sole responsibility of the abutting property owner.

(B) Method of Calculating Assessments

1. The standard method of calculating an assessment for the initial installation of infrastructure is as follows:

Assessable Cost

$$\text{Assessable frontage} = \text{Per-foot assessment}$$

While the above referenced assessment methodology will be the standard assessment method for all infrastructure construction, the Village Board at its sole discretion may also consider the following methods based on the specific project.

- (a) Front-foot basis
- (b) Per-parcel basis
- (c) Area-wide basis
- (d) Square-footage basis
- (e) Impervious surface (Hydraulic acre) basis

(C) Payment of Assessment

1. The owner of property being assessed for the initial construction of any infrastructure will be allowed to pay their assessment in ten equal installments over ten consecutive taxing periods. The assessed property owner can elect to pay the assessment in full upon completion of the project or have their assessment applied to their property tax bill. The Village will charge an interest rate of 2% above the interest rate paid by the Village for the capital project borrowing.

(D) Special Considerations

1. Multi-fronted lots – assessment shall be adjusted for multi-fronted lots in the following manner:

Frontage on any constructed side in excess of one hundred (100) feet shall receive a seventy-five (75%) percent forgiveness, up to a maximum of one hundred (100) feet.

2. Prohibited Access. Any lot with frontage on a road where access to said road is prohibited by a governing body shall have the

assessment for said infrastructure deferred until such time as the property is permitted access to said road. At that time the property owner will be required to pay the assessment as described in Section C.

3. Irregularly Shaped Lots.

Irregularly shaped lots shall be assessed on the following basis:

- (a) When special assessments are based on a front-foot basis the calculation for irregularly shaped lots (including triangular shaped lots) shall be as follows:

When the actual front footage of an irregularly shaped lot is greater than or less than the average width of all lots being assessed (measured by dividing the total lot area being assessed by the average lot width being assessed) the assessable footage will be based on the average lot width. In no event shall the assessment be for less than seventy-five (75) foot of frontage.

- (1) If a multi-fronted lot is split in two (2) or more parcels prior to completion of construction and assessment, the assessment shall be calculated for the original lot and split equally between the newly created lots.
- (2) Nothing in this ordinance shall be deemed a waiver of the Villages' ability to impose assessments in a manner consistent with Wisconsin law or other applicable law including, but not restricted to the Villages' ability to exercise police powers under Chapter 60 and 66 of the Wisconsin State Statutes.

(E) INFRASTRUCTURE REPLACEMENT

The Village shall, at its sole discretion and expense, replace and/or repair infrastructure after the initial construction.

8.11 PENALTY

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