

CHAPTER 5- STREETS, ALLEYS AND SIDEWALKS

CITY OF FENNIMORE

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5.01 CURB AND GUTTER

(1) Permit: No person shall install any curb and gutter on a public street or highway in the City of Fennimore without first obtaining a written permit from the City.

(2) Application for Permit: Any person desiring to install curb and gutter in the City shall make a written application to the City Clerk, which application shall set forth the name of the street and the frontage for which a permit is requested. The City Clerk shall forthwith present all such applications to the Board of Public Works. The Board of Public Works shall periodically inspect and examine the property described in said applications. If it appears advisable to construct such curb and gutter, the Board shall approve such applications. The authority to approve curb and gutter installations is, however, limited to installations which extend to and connect with a corner radius.

(3) Issuance of Permit: Upon approval of an application the Board of Public Works shall issue a permit, which shall require the work be completed under the supervision and direction of the City of Fennimore.

(4) Supervision and Assistance of City: The City shall establish the grade and the line for any curb and gutter for which a permit is granted. The City or a contractor approved by the City shall do all grading necessary for the installation of said curb and gutter. The grading shall be done at the expense of the City. The contractor constructing the curb and gutter shall use forms approved by the City. The forms of the City shall be in the custody and under the supervision of the Director of Public Works.

In order to provide for a more orderly street improvement program, the City hereby retains the right to plan complete improvement of certain street or portions thereof, including curb and gutter. The construction of such curb and gutter may, at the option of the City, be declared to have priority over all applications received or approved for construction of curb and gutter. Portions of the costs of construction of such curb and gutter as part of the planned street improvement shall be assessed to the property owner, with the property owner paying at the

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same rate computed for that year for an applicant under this section. Such planned street improvements may be done by the City through contract or by doing it directly.

(5) City Contribution to Cost: The property owner obtaining the permit shall pay the entire costs of material and labor for the installation of the curb and gutter, except for the grading and except as hereinafter provided.

At the organizational meeting each year or as soon thereafter as practical, the Common Council shall establish by resolution the amount to be paid by the City per foot on curb and gutter to be installed for the following year. Said amount may be based on the City contributing on a per foot basis and the property owner paying the balance or upon the property owner paying on a per foot basis with the City paying the balance. Such work may be done by the City directly or by being let to bids by the City.

The contractor doing the curb and gutter work may collect the City's portion of the cost by presenting a bill to the City Clerk in the form of a claim against the City. The City Clerk shall present all approved claims to the Common Council for action at the next Council meeting. If the Common Council has not approved said curb and gutter, no claims shall be allowed by the City.

The Common Council shall include in the budget each year under "Highways" an amount to be used for this purpose. If the amount so included in any one year is not sufficient to cover all applications, the sum allotted for curb and gutter shall be paid to applicants in the order in which the applications were filed.

(6) Installation at Corner: After curb and gutter is brought to sidewalk line on any corner by the property owners, either with or without payment of part of the costs by the City as hereinabove provided, the City shall install at the expense of the City the curb and gutter around the corner from the said sidewalk line. This work may be done by the Board of Public Works or may be let to bids.

(7) Determination of Quality: The Common Council shall determine the form and quality for all curb and gutter to be hereinafter installed.

(8) Streets Crossing Lincoln Avenue: For all streets crossing Lincoln Avenue from Fourth Street to Sixteenth Street, both inclusive, for one block on each side of Lincoln Avenue, the curb and gutter line shall be set to correspond and be in line with the radius curb and gutter set and installed by the State Highway Commission at the intersection of each said street with Lincoln Avenue.

(9) Other Streets: For all other streets the curb and gutter line shall be twelve (12) feet in from the street line on each side of a sixty (60) foot street so as to leave a thirty-six (36) foot street surface between the curb and gutter line, and all other streets which are not sixty (60) feet

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in width shall have a curb and gutter line on each side so as to leave a street surface of thirty-six (36) feet, unless the curb and gutter and street surface width for any block is otherwise established by action of the Common Council in the following manner: If the Board of Public Works determines that it is advisable to establish a different curb and gutter line at street surface width other than that established by this section for any block, the Common Council may authorize such changes for such block.

(10) Federal or State Highways: Nothing in this ordinance shall be construed to affect the curb and gutter lines on any streets that are Federal or State Highways.

(11) Delegation of Duties: The Board of Public Works may delegate any of its duties under this section to the director of Public Works to other City employees on the condition that all work or acts by the employees pursuant hereto must be approved by the Board of Public Works and except that all approval of applications as set forth hereinabove must be by the written approval of a majority of the Board of Public Works and that payment of all claims must be allowed by the Common Council. All acts of the Board of Public Works hereunder and all employees of the City hereunder are under the general supervision of the Common council and any property owner or contractor may appeal any act or decision by the Board of Public Works or employees of the City by appearing at any meeting of the Common Council.

(12) Supervision of Director of Public Works: All contractors installing curb and gutter are required, just prior to the pouring of concrete to have the forms checked and approved as to location and level by the Director of Public Works so as to ascertain that the forms are in the proper position.

(13) Curb Ramping: Curb ramping which complies with s. 66.616 Wis. Stats., shall be provided on all curb constructed within the City of Fennimore.

5.02 DRIVEWAYS

(1) Permit: No person, firm or corporation shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a permit from the Director of Public Works for such construction, subject to approval by the Board of Public Works.

(2) Standards: All construction of such driveways shall be done in conformity with approved standards of workmanship.

(3) Width: No such driveways shall exceed thirty-five (35) feet in width at the outer or street edge of the sidewalk unless special permission be obtained from the Common Council.

(4) Curbing: In the construction of such driveways no curbing shall be disturbed within seven (7) feet of the regular street crosswalk.

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(5) Driveway Apron: No driveway apron shall extend into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter areas.

5.03 STREET AND SIDEWALK EXCAVATION

(1) Permit for Excavation: No person shall make any excavation into any public street or sidewalk without first obtaining a permit therefor from the Director of Public Works. In issuing the permit, the Director of Public works may impose conditions to establish the times and days in which such work may be done, the manner in which the surface will be restored and any other conditions he deems reasonable to protect the public.

(2) Restoration of Streets and Sidewalks: Any time there is such an excavation of any public street or sidewalk the material removed shall be hauled away from the excavation site and selected backfill of gravel or sand shall be placed back in the excavation except that surface shall be restored to its original condition. In the event that any person shall neglect to repair or restore to its former condition any street, alley or sidewalk so excavated, altered or removed, within the time and manner directed by the Director of Public Works, said Director shall cause the same to be done at the expense of the property owner affected by the excavation. The expense thereof shall be charged to said property owner, shall be certified to the Treasurer by the Director of Public Works and if not paid shall be carried into the tax roll as a special tax against said property.

5.04 SIDEWALKS

(1) Applicability of Section 66.615: Whenever the Common Council 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 City, it shall proceed according to s. 66.615, Wis. Stats.

(2) Authority of the Board of Public Works and Common Council: The Board of Public Works may from time to time determine where sidewalks shall be constructed and the Common Council may establish the width, determine the material and prescribe the method of construction of standard sidewalks. Unless a different standard is established by resolution of the Common Council for any sidewalk, the standard sidewalk shall meet the following specifications:

- a. Shall be built of concrete.
- b. Shall be not less than four (4) inches thick.
- c. Shall be not less than four (4) feet wide.
- d. Shall be of a six (6) bag mix at the minimum.

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The Board of Public Works may further order any sidewalks which are unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standards established by this section or by resolution of the Council.

(3) Notice: A copy of the order or resolution directing the laying, removal, replacement or repair of any sidewalk shall be served upon the owner, or an agent, of each lot or parcel of land in front of which such work is ordered. The Board of Public Works, or the City Engineer if so requested by the Council, may serve the notice. Service of the notice may be made by:

- a. Personal delivery;
- b. Certified or registered mail; or
- c. Publication in the official newspaper as a Class 1 notice, under Chapter 985, Wis. Stats., together with mailing by first class mail if the name and mailing address of the owner or an agent can be readily ascertained.

(4) Default of the Owner: Whenever any such owner shall neglect for a period of twenty (20) days after such service to lay, remove, replace or repair any such sidewalk, the City may cause such 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 by Section 62.15(1), Wis. Stats.

(5) Minor Repairs: If the cost of repairs of any sidewalk in front of any lot or parcel of land does not exceed the sum of One Hundred Dollars (\$100), the Board of Public Works or City Engineer if so required by the Common Council, may immediately repair such sidewalk, without notice or letting the work by contract, and charge the cost thereof to the owner of such lot or parcel of land as provided in this section.

(6) Expense: The allocation of costs of sidewalk construction and repairs, as between the City and the owners, shall be as established from time to time by resolution of the Common Council.

The Board of Public Works shall keep an accurate accounting 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 same to the comptroller who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be entered by the Clerk in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. The Common Council by resolution or ordinance may provide that the expense so incurred may be paid in up to ten (10) annual installments and upon such determination, the comptroller shall prepare the expense statement as herein required in such manner and with such frequency as the installment payment schedule

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allows. If annual installments for such expense are authorized, the City Clerk shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special tax against such lot or parcel each year until all installments have been entered, and the same shall be collected in all respects like other taxes upon real estate.

(7) Display of Merchandise: No person shall display any merchandise for sale upon any public sidewalk unless the same is located so that it does not impair the easy flow of pedestrian traffic past such merchandise display.

5.045 SNOW AND ICE REMOVAL

(created 1/24/2011 Ord#270)

(1) Responsibility of Owner or Occupant. The owner or occupant of every lot or parcel of land in the City in front of or abutting upon a sidewalk shall clear such sidewalk of snow and ice by 8:00 P.M. after such snow or ice has accumulated thereon. In the event snow or ice shall become frozen so hard it cannot practically be removed, the owner or occupant shall sprinkle the sidewalk with sand, salt, sawdust or other suitable material and shall clean such sidewalk as soon as weather permits.

(2) Prohibited Snow Disposal.

(a) No person shall remove snow or ice from private property owned or occupied by him or her by depositing the snow or ice on or in the traveled portion of any city street within the City of Fennimore. No person shall permit another to remove snow or ice from private property owned or occupied by him or her by depositing the snow or ice on or in the traveled portion of any city street within the City of Fennimore.

(b) No person shall pile snow on private property owned or occupied by him or her in such a manner as to block access to the City employees to waste disposal dumpsters located on such property.

(c) No person shall pile snow on private property owned by another person without the consent of the owner.

(d) No person shall pile snow on private property owned or occupied by him or her in such a manner as to impair visibility at intersections.

(3) Removal by City. Failure to remove snow and ice, as required under sub. (1) above or the deposit of any snow or ice upon street of the City contrary to the provisions of sub (2)(a) above shall be and is declared to be a nuisance and, in addition to the penalty provided for violation of this section, the City may summarily remove any snow or ice so accumulated or deposited and cause the cost of said removal to be charged to the owner or occupant of the property from which said snow or ice has been removed.

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5.05 TREE TRIMMING AND SANITATION

(1) Trees to be Kept Trimmed: Trees standing in and upon any public streets or place, or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing, so that the lowest branches projecting over the public street or alley will provide a clearance of not less than fourteen (14) feet and a clearance of not less than ten (10) feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not so trimmed as herein provided shall be deemed hazardous.

(2) Hazardous and Infected Trees: Any tree or part thereof, whether alive or dead, which the Board of Public Works shall determine to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs, growing within the City, to be injurious to sewers, sidewalks, or other public improvements, whether growing on public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or parts thereof are located. The Chief of Police shall give written notice of said owner to remedy the situation which shall be served personally or, if the owner or occupants cannot be located by reasonable diligence, shall be posed upon the affected tree. Such notice shall specifically state the period of time in which such action must be taken, which shall be within no let than seven (7) days nor more than fourteen (14) days as determined by the Director of Public Works based on the seriousness of the condition or the danger to the public. If the owner shall fail to remove, treat or trim said tree within the time specified, the chief of Police shall cause the tree to be removed, treated or trimmed and shall report the full costs thereof to the City Clerk who shall thereupon enter such costs as a special charge against the property.

5.06 PENALTIES

The penalty for violation of any provision of this Chapter for which a specific penalty is not enumerated, shall be that provided in s. 25.04 of this code. A separate offense shall be deemed committed for each day or part thereof during which a violation occurs or continues.

(Updated 7/30/2015)