

## 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. 66.60(16), 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.**

- a) **Board May Order.** The Village Board may determine that sidewalks or curbs and gutters 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) **Apportionment of Sidewalk Costs.**
  - 1) **Repair and Maintenance of Sidewalks.**
    - a. The Village may order a sidewalk to be repaired or replaced in the manner set forth in this Subsection:
      - 1. The determination that sidewalk repair or replacement is needed shall be made by the Village Public Works Director. In making such determination, the Public Works Director shall view the sidewalk to determine the extent of settling, deterioration and/or cracking, and to determine the degree of vertical differential or horizontal difference between sidewalk blocks. An order for repair or replacement of sidewalks shall be issued in cases where the Public Works Director determines that such need exists.
      - 2. The order of the Public Works Director that a sidewalk shall be repaired or replaced shall be served with a copy of this Chapter upon the abutting landowner. Service shall be made in the manner set forth in Sec. 66.615(3)(c), Wis. Stats. The abutting landowner may request review of the decision of the Public Works Director by written application filed with the Village Clerk-Treasurer within two (2) weeks of the date of service of the order upon the abutting landowner. The review shall be conducted by the Village Public Works Committee, which shall consider the information provided by the Public Works Director, the abutting landowner, and other available sources. The decision on review shall be made by the Public Works Committee without participation by the Public Works Director. Once made, the decision of the Public Works Committee shall be final.
      - 3. All repairs, maintenance and replacement of sidewalks shall be performed by the Village.
    - b. All costs to repair or replace sidewalks as a result of damage caused by an abutting landowner, a family member, tenant or contractor thereof, shall be repaired at the expense of the abutting landowner. Sidewalks shall be kept safe for pedestrian traffic by the abutting owners at all times. Abutting owners shall make damaged sidewalks safe by immediately removing damaged concrete, placing 4 inches of compacted gravel temporarily in place and installing appropriate barricades. Abutting landowner must replace the damaged sidewalk within 30 days of the time of removal or damage of sidewalk. All other costs for routine repair, maintenance or replacement of sidewalks shall be shared equally by the abutting landowner and the Village.
    - c. All costs for repair, maintenance or replacement of sidewalks which are the responsibility of the abutting landowner may be collected by the Village in the manner set forth in Sec. 66.615(3), Wis. Stats.

- d. When such sidewalks are to be constructed on only one (1) side of a street, the property owners' cost share of the project shall be pro-rated among property owners on both sides of the street.
- 2) **New Sidewalk Construction.**
- a. A new sidewalk shall be installed along an existing public street upon the request of the abutting owners, provided that the abutting owners of more than fifty percent (50%) of that unbroken length of land for which no sidewalk exists shall join in the request. The new sidewalk shall be continuous with any existing sidewalk. Upon receiving such request, a new sidewalk shall be installed for the entire unbroken length of land for which no sidewalk exists, including any areas where an abutting landowner has not joined in the request. All such work shall be paid seventy-five percent (75%) by the respective abutting landowner and twenty-five percent (25%) by the Village.
- b. The Village may, as an alternative to the procedure set forth in (a) above, provide for installation for a new sidewalk by resolution of the Village Board. All such work shall be paid one hundred percent (100%) by the Village.(Revised 98-5-3)
- c. All costs for installation of new sidewalks which are the responsibility of abutting landowners may be collected in the manner set forth in Sec. 66.615(3), Wis. Stats.
- d. The Village Board shall have the power to authorize construction of sidewalks directly by the Village without submitting the same for bids.
- e. When such sidewalks are to be constructed on only one (1) side of a street, the property owners' cost share of the project shall be pro-rated among property owners on both sides of the street.
- c) **Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Belleville unless he/she is under contract with the Village to do such work or has obtained a permit therefore from the Village Clerk-Treasurer at least three (3) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- d) **Standard Specifications for Sidewalks.** All sidewalks within the Village of Belleville hereafter shall be repaired, rebuilt and constructed in accordance with the publication "Standard Specifications for Public Works" on file in the office of the Village Clerk-Treasurer.
- e) **Repair or Replacement of Defective Sidewalks.**
- 1) The Director of Public Works 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:
- a. Three-fourths (3/4) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).;
- b. One and one-fourth (1-1/4) inch horizontal distance between adjacent individual sidewalk blocks;

- c. Deterioration of the surface to a vertical depth of one-half (½) inch or more within each individual sidewalk block.
- 2) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.
- f) **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.

*State Law Reference:* Sec. 66.615, Wis. Stats.

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

- a) **Permit Required.** 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 ground, public sidewalk or Village-owned easement within the Village of Belleville without a permit therefore from the Director of Public Works or Village Clerk-Treasurer.
- 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 Village 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 Village 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, except as provided for under Section 6-2-4(g) for pavement replacement.
- 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 Village Clerk-Treasurer or Director of Public Works and payment of a renewal permit fee as prescribed by Section 1-3-1. Permit renewals shall be issued at the discretion of the Village Clerk-Treasurer or Director of Public Works.
- f) **Village Standards; Fees.**
  - 1) **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.
  - 2) **Fee.** The fee for a street opening permit shall be as prescribed in Section 1-3-1 plus actual Village expenses. Permit fees shall be paid to the Village Clerk-Treasurer who shall issue his/her receipt therefore.

- g) **Insurance Required.** A permit shall be issued only upon the condition that the applicant submit to the Village Clerk-Treasurer satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of no less than \$500,000 per one (1) person, \$500,000 for one (1) accident and property damage coverage of not less than \$500,000.
- h) **Bond.**
- 1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement that he/she will indemnify and save harmless the Village of Belleville 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 or 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 therefore 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.

## **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 of Director of Public Works 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).
- 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) 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.

- 3) 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.
- 4) 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) Prior to starting excavation work, the contractor shall first contact Digger's Hotline to determine the location of underground facilities.
- 2) 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.
- 3) 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 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) Mechanical compaction shall 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). Compaction or consolidation by flooding shall not be permitted.
- 5) 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.

- 6) 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 Village 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 Village 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 two and one-half (2-½) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of a one and one-half (1-½) inch base layer and a one (1) 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 (¼) inch as measured with a ten (10) foot straight edge.
  - 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) 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.
- 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 may 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 Village Clerk-Treasurer shall notify in writing 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.

## **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, except as 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. 66.045, Wis. Stats.;
  - 2) Building materials for the period authorized by the Building Inspector 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.
- c) **Standards.** 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 used for commercial uses;
  - 2) The fixture(s) 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. In no event shall the fixture reduce the unobstructed sidewalk width to less than three (3) feet at any point.
- d) **Removal by Village of 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 of 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 adjoins 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, any 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 Village 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 Village 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 use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village 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, provided 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 Village 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.
- 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 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, Chief of Police, or Building Inspector 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 Village 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 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.

*State Law Reference:* Sec. 66.045, Wis. Stats.

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

- a) **Removal From Sidewalks.** The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk shall keep said sidewalk clear of all snow and ice. In the event of snow accumulating on said sidewalk due to natural means and/or by any other means, said sidewalks

shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with sand and/or salt to permit safe travel by pedestrians.

- b) **Notice and Removal of Snow from Sidewalks.** If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk shall fail to keep said sidewalk clear of snow and ice as set forth in Subsection (a), Village law enforcement officers and other designated Village officials and employees shall take the following action:
- 1) **Standard Removal Policies.**
    - a. After twenty-four (24) hours, notice shall be given by the Police Department or other designated Village officials to the person in charge of the applicable property of the requirements of this Section, including forfeiture and possible clearance of snow and ice by the Village at the owner's expense. The failure or inability of the Village to give such notice shall not prevent the Village from exercising any other rights hereunder.
    - b. After thirty-six (36) hours, the person in charge of the applicable property shall be subject to a forfeiture as provided in the Public Works Snow Removal Fee Structure and provided in Section 1-1-6. (Rev. 04-09-01)
  - 2) **Hazardous Conditions.** If a Village law enforcement officer or other designated Village officials and employees determine that the failure to remove the snow and/or 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/or ice be removed within two (2) 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, the police officer and other designated Village officials and employees shall immediately cause the removal of the snow and/or ice. The police 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 condition existed which required immediate abatement.
  - 3) **Snow and Ice Not to Encroach.** 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.
- c) **Enforcement.** All sworn police officers and other designated Village officials and employees are hereby authorized and directed to enforce the provisions of this Section.
- 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.

- 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 (b)(1) and (2) after receiving a written notice shall result in the Village causing the removal of said snow and/or ice.
- 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. 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 sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by Sec. 66.615(5), 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:* Sections 66.60(16) and 66.615(3)(f) and (5), Wis. Stats.

## Sec. 6-2-8 Terrace Areas.

- a) **Definition.** The definition of "terrace" shall be as defined in Section 6-4-2(e).
- 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. Basketball backstops, statuary, structures, flag poles 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 the terrace free and clear of snow, and shall be located behind the face of the curb.
- d) **Placement of Mailboxes.** Mailboxes are prohibited on the right-of-way of all streets within the Village of Belleville except as hereinafter provided:
  - 1) Mailboxes are approved only if they are of a construction or design approved by the United States Postal Service or previously approved by the Postmaster.
  - 2) Newspaper tubes are permitted only if provided by the newspaper or of a construction or design that will not present a hazard to the public use or the right-of-way. Where the newspaper tube used has not been provided by the newspaper the Postmaster or Public Works Director shall have the exclusive authority to approve the tube. If the Postmaster or Public Works Director refuses to approve the newspaper tube, it must be removed.
  - 3) A nameplate bearing the name and address of the mailbox owner shall be permitted on each box.

- 4) House numbers shall 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 building abutting 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.
- 5) The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.
- 6) Mailbox and newspaper tubes must be located on the side of the road required by the United States Postal Service and so that the door to the mailbox or protruding end of the newspaper tube is at least six (6) inches behind the face of the curb or if no curb at least one (1) foot from the paved portion of the highway.
- 7) The owner of each mailbox and/or newspaper tube shall, within twenty-four (24) hours after the end of each snowfall, remove all snow and ice which has fallen or accumulated in front of said mailbox and/or said newspaper tube and shall remove the snow for a distance of fifteen (15) feet to each side of said mailbox and/or newspaper tube.
- 8) No other object of any kind shall be attached to the mailbox, newspaper tube or their supports. No other objects, including, but not limited to, landscaping boulders or fences may be placed on the right-of-way.
- 9) This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Village of Belleville to locate and remove obstructing mailboxes. The Village of Belleville is not liable for damage to mailboxes caused by snowplowing, street sweeping, leaf pick up, etc.

*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 August 1st 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 or occupant thereof.

## **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.

## **Sec. 6-2-13 Street Numbers.**

- a) **Buildings to Have Street Numbers.** Each principal building in the Village shall be assigned to an official street number by the Director of Public Works. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Clerk-Treasurer. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.
- b) **Building Numbering System.**
- 1) All names and numbers of all streets within the Village as indicated on a certain map now on file in the office of the Village Clerk-Treasurer, which is designated "A Street Numbering Map," are hereby confirmed as the names and numbers of the streets as indicated on such map.
  - 2) All lots and parts of lots hereafter platted shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on said map.
  - 3) All north and south streets in the Village of Belleville that cross Main Street are hereby renamed by adding the prefix north to the part thereof lying north, and the prefix south to the part lying south of Main Street.
  - 4) There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Village, and all houses and building shall be numbered in accordance with the provisions of this Section:
    - a. Main Street shall constitute the base line for numbering along all streets running north and south, and Vine Street shall constitute the base line for numbering along all streets running east and west.
    - b. The numbering for each street shall begin at the base line. The numbers within the first block shall be from 1 to 99 and the numbers in each succeeding block shall increase from the base

- line in units of 100, namely, the first block shall be 1 to 99, the second block shall be 100 to 199, the third block shall be 200 to 299, etc. There shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other, and one number shall be assigned to each fifteen (15) feet of frontage. In blocks or equivalent space longer than seven hundred fifty (750) feet which is not intersected by a street, if extended the total length of space divided by fifty (50) shall be used to determine the feet of frontage assigned to each number.
1. Where blocks of different lengths occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter blocks, unless the Superintendent of Public Works otherwise shall determine.
  - c. All lots and houses on the north and west side of all streets shall be numbered with odd numbers, each commencing with the hundred assigned to that block, and shall increase from the base line, one number for each fifteen (15) feet of frontage or fraction thereof, except as provided in Subsection (b)(2) above. Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, providing the building is fifteen (15) feet or more in width. If the building is not fifteen (15) feet or more in width and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting on two or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.
  - d. All streets not extending through the base line shall be assigned the same relative numbers as if the said street had extended to the said base line.
- c) **Street Number 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) **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.

## Sec. 6-2-14      **Damage to Streets, Curb and Gutter.**

Any damage to streets, curb or gutter caused by an abutting landowner or a contractor thereof shall be repaired at the expense of the abutting landowner. All costs incurred by the Village in performing such work may be collected in the manner set forth at Sec. 66.60(16), Wis. Stats. If a building is located so that

its street number cannot be easily read from the street, then such street number shall also be erected on the street edge of the property.

## **Sec. 6-2-15          Repair, Maintenance and Replacement of Curbs and Gutters.**

- a) **Procedure.** The Village may order a curb and gutter to be repaired or replaced in the manner set forth in this Section.
- 1) **Initial Determination.** The determination that a curb and gutter repair or replacement is needed shall initially be made by the Village Public Works Director. In making such determination, the Public Works Director shall view the curb and gutter to determine the extent of settling, deterioration and/or cracking, and to determine the degree of vertical differential or horizontal difference between curb and gutter blocks. In cases where the Public Works Director determines that such need exists, he or she shall recommend to the Village Board that the repair or replacement be undertaken.
  - 2) **Notice and Hearing.** After the Public Works Director recommends that a curb and gutter be repaired or replaced, a hearing shall be held before the Village Board before the construction can take place. The Village Clerk-Treasurer shall publish a Class 1 notice under Chapter 985, Wis. Stats., of such hearing at least twenty (20) days before the hearing. A copy of the notice shall also be mailed at least ten (10) days before the hearing to every property owner who may be assessed or charged for the curb and gutter work and whose post office address is known or can be ascertained with reasonable diligence. This notice shall specify that a hearing will be held before the Village Board as to whether the repair or replacement of the curb and gutter shall be performed at the cost of the benefiting landowners. The notice will also specify the date, time and place of such hearing. At such hearing, anyone interested in the matter shall be heard. Notice of hearing may be waived in writing by benefited landowners pursuant to Sec. 66.60(18), Wis. Stats.
  - 3) **Ordinance.** After the hearing, the Village Board by ordinance shall, if it so decides, provide for the repair or replacement of the curb and gutter as recommended by the Public Works Director or as modified by the Village Board, and that the direct and indirect costs of this work be collected as a special charge to the benefited property pursuant to Sec. 66.60(16), Wis. Stats.
  - 4) **Performance.** All repairs, maintenance and replacement of curbs and gutters shall be performed by the Village or by a designated agent of the Village.
- b) **Cost Allocation.** All direct and indirect costs to repair or replace curb and gutter as a result of damage caused by an abutting landowner, a family member, tenant or contractor thereof, shall be borne one hundred percent (100%) by the abutting landowner. Direct and indirect costs are as set forth in Sec. 66.60(5), Wis. Stats. The Village shall pay one hundred percent (100%) of all other direct and indirect costs for repair, maintenance or replacement of curb and gutter.

- c) **Collection.** All direct and indirect costs for repair, maintenance or replacement of curbs and gutters which are the responsibility of the benefited landowner may be collected by the Village as a special charge in the manner set forth in Sec. 66.60(16), Wis. Stats.

## **Sec. 6-2-16 New Curb and Gutter Construction.**

- a) **Procedure.** The Village may order a new curb and gutter to be installed in the manner set forth in this Section:
- 1) **Landowner Request.** A new curb and gutter shall be installed along a public street upon the request of the abutting owners, provided that the abutting owners of more than fifty percent (50%) of that unbroken length of land for which no curb and gutter exists shall join in the request. The new curbs and gutters shall be continuous with the existing curb and gutters. The request shall be in writing, shall include a description and a sketch of the area where curb and gutter is to be installed and shall be addressed to the Village Board. If such request is approved by the Village Board, a new curb and gutter shall be installed for the entire unbroken length of land for which no curb and gutter exists, including any areas where an abutting landowner has not joined in the request. The direct and indirect costs of all such work pursuant to the landowner request shall be paid seventy-five percent (75%) by the benefiting landowners and twenty-five percent (25%) by the Village.
  - 2) **Village Initiative.** The Village may, as an alternative to the procedure set forth in Subsection (a)(1) above, provide for installation for a new curb and gutter upon the initiative of the Village Board by adoption of an ordinance. All direct and indirect costs of such work shall be paid twenty-five percent (25%) by the benefiting landowners and seventy-five percent (75%) by the Village.
- b) **Notice and Hearing.** Before authorizing by ordinance the installation of the new curb and gutter and the collection of direct and indirect costs therefore by special assessment, reasonable notice and hearing of the same shall be given. Such a hearing shall be held before the Village Board. The Village Clerk-Treasurer shall publish a Class 1 notice under Chapter 985, Wis. Stats., of such hearing twenty (20) days before the hearing. A copy of the notice shall also be mailed at least ten (10) days before the hearing to every property owner who may be assessed or charged for the curb and gutter work and whose post office address is known or can be ascertained with reasonable diligence. This notice shall specify that a hearing will be held before the Village Board as to whether the construction of the curb and gutter shall be performed at the cost of the benefiting landowners. The notice will also specify the date, time and place of such hearing. At such hearing, anyone interested in the matter shall be heard. Notice or hearing may be waived in writing by benefited landowners pursuant to Sec. 66.60(18), Wis. Stats.
- c) **Special Assessment Ordinance.** After the hearing, the Village Board by ordinance shall, if it so decides, provide for the construction of new curb and gutter as requested by landowners, as ordained by the Village Board, or as modified by the Village Board, and that the direct and indirect costs of this work be collected as a special assessment to the benefited property.

- d) **Appeal.** Any person against whose land a special assessment is levied under this Section shall have the right to appeal there from in the manner prescribed in Sec. 66.60(12), Wis. Stats., within forty (40) days of the ordinance so enacted.
- e) **Collection.** All direct and indirect costs for installation of new curb and gutter which are the responsibility of benefiting landowners shall be charged to the owners of the property benefited thereby as a special assessment. The special assessment shall become a lien against the property from the date of levy of the special assessment. The Village Clerk-Treasurer shall collect the special assessment as allowed by law.

### **Sec. 6-2-17      Curb and Gutter Specifications.**

All curb and gutter within the Village of Belleville hereafter shall be repaired, rebuilt and constructed in accordance with the publication "Standard Specifications for Public Works" on file in the office of the Village Clerk-Treasurer or Director of Public Works.