

Chapter 467

STREETS AND SIDEWALKS

[HISTORY: Adopted by the Village Board of the Village of Plover 6-4-1985 as §§ 8.02 to 8.08, 8.20 and 9.17 of the 1985 Code. Amendments where noted where applicable.]

GENERAL REFERENCES

Moving of buildings — See Ch. 216.
Numbering of buildings — See Ch. 220.
Driveways and culverts — See Ch. 260.
Parades, carnivals and exhibitions — See Ch. 397.
Wastewater Utility — See Ch. 502.
Vehicles and traffic — See Ch. 496.
Water — See Ch. 505.
Official Map — See Ch. 538.
Subdivision of land — See Ch. 545.

§ 467-1. Altering grades.¹

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof unless authorized or instructed to do so by the Public Works Manager or Village Engineer.

§ 467-2. Excavations and openings.

- A. Permit required. Every person who engages in or is responsible for the preparation of plans and specifications for nonemergency performance of work, excavation, demolition or opening of any street or emergency performance of work, demolition or opening of any street, alley, or sidewalk or within a Village right-of-way shall first, not less than three full working days prior to the start of the excavation or demolition, obtain a permit approved by the Public Works Manager, the Water System Manager and the Wastewater System Manager. No permit shall be granted when the ground is frozen unless the Public Works Manager determines such opening is necessary. [Amended by Ord. No. 9-93]
- B. Application. Application for a permit shall be made on a form supplied by the Village. The application shall be accompanied by a signed agreement to save the Village harmless from any liability arising from the work or activity covered by the permit; the fee provided in Subsection C below; a written description of the work, including a sketch designating the project location; and an agreement to be signed by the contractor/owner indicating all excavation, compaction testing and drainageway/swale requirements have been met. [Amended by Ord. No. 9-93]
- C. Fee. The permit fee shall be as provided in the Village Fee Schedule.² The permit fee for utility companies shall cover all permits necessary for the calendar year. [Amended by Ord. No. 27-98]

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

2. Editor's Note: See Ch. A600, Fees.

- D. Bond required. Before a street opening permit is issued, the applicant shall give a bond in the sum of \$5,000 with good and sufficient surety to be approved by the Village Administrator conditioned, among other things, that said applicant will save and indemnify judgment, costs and expenses which may in any way accrue against the Village and save the Village harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit, including the restoration of any pavement and maintenance thereof for one year. An annual bond may be given covering all excavation work done by the principal which shall be conditioned as specified above in an amount determined by the Village Administrator to adequately protect the Village.³
- E. Insurance. A certificate of insurance shall be provided evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$100,000 for any one person, \$300,000 for any one accident and \$50,000 for property damage.
- F. Requirements for the protection of the public. Every permittee shall enclose each opening which he may make in the streets or public ways of the Village with barricades and barricade lights in accordance with the Manual on Uniform Traffic Control Devices during the period the excavation is open and until the street or sidewalk is restored and made passable for vehicular and pedestrian traffic. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Except by written permission from the Public Works Manager or designee, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. 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.⁴
- G. Excavation, refilling, compaction testing and repaving requirements. [Amended by Ord. No. 27-90; Ord. No. 13A-92]
- (1) The permittee shall comply with all Public Works Committee rules and regulations governing excavations, refilling, compaction testing and repaving. The permittee shall make a determination whether or not sheathing and bracing shall be required. No trench shall be refilled until the appropriate department head has been notified and has inspected the lateral connections to ensure that all requirements of this Code have been met. The permittee shall notify the Public Works Manager two hours prior to refilling of the trench. Full restoration of any excavation shall be completed within 48 hours unless special arrangements are made with the Public Works Manager.
 - (2) When excavations are made within any area of blacktop or shoulders, at the owner's/contractor's expense, proof of compaction testing by a certified testing service shall be provided showing that requirements are met for a compaction percentage of 95% for the upper four feet and at least 90% at all lower levels in any area that was in any way disturbed or excavated. These compaction tests will be taken in two-foot lifts. Any road surfacing done after November 15 or close down of the

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

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

blacktopping plant shall be done with cold mix bituminous asphalt, and the permittee shall be responsible for all costs related to maintaining the surfacing through the winter months, and shall be removed and replaced with hot mix by June 1 of the following year unless special arrangements are made with the Public Works Manager. At least 30% of the compaction tests must be conducted in the immediate area of a fire hydrant, manhole, curb stop or water box.⁵

- H. Plumbing permit required. See Chapter 413, Plumbing Standards, § 413-4 of this Code.
- I. Emergency excavation authorized. In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining a street opening permit, provided that such person shall apply for a street opening permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining a street opening permit.⁶
- J. Village work excluded. The provisions of this section shall not apply to excavation work done under the supervision of the Village Engineer or Public Works Manager by Village employees or contractors performing work under contract with the Village necessitating excavations in Village streets.

§ 467-3. Obstructions and encroachments; mailboxes.

- A. Prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B below.
- B. Exceptions. The prohibition of Subsection A above shall not apply to the following:
 - (1) Public utility encroachments duly authorized by state law or the Village Board.
 - (2) Temporary encroachments or obstructions authorized by permit granted pursuant to § 66.0425, Wis. Stats.
 - (3) Excavations and openings permitted under § 467-2 of this chapter.
 - (4) Mailboxes. When new home or building construction or mailbox replacement takes place within the Village, mailbox installation shall conform to the following requirements: [Amended by Ord. No. 10-89; Ord. No. 35-91; Ord. No. 1-94]
 - (a) The support shall be a wood post, steel pipe or steel channel installed no more than 24 inches in the ground. The post office should be contacted for height requirements. The support shall be the following dimensions:
 - [1] Square wood post: four inches by four inches nominal.

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

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

- [2] Round wood post: four inches in diameter.
 - [3] Steel post: 1 1/2 inches in inside diameter.
 - [4] Steel channel: shall not weigh more than two pounds per foot.
- (b) Dimensions exceeding the above are in violation of this section.
 - (c) The support shall not be set in concrete nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports but shall not be imbedded more than 10 inches into the ground.
 - (d) The box-to-post attachment shall be sufficient to prevent the separation of the box from the support post when struck.
 - (e) Mailboxes shall be placed on the shoulder of the roadway with the mouth of the mailbox being positioned four feet from the outer edge of the asphalt surface. If the existing shoulder is less than four feet in width, the Public Works Department shall be contacted for proper mailbox location. In areas where there is curb and gutter, the mouth of the mailbox shall be positioned at the back of the curb.
 - (f) Prior to installation of any type of mailbox within 200 feet of any intersection, a permit approving site location shall be obtained from the Building Inspection Department, to be signed by the Public Works Manager or his designated representative.
 - (g) Prior to multiple or cluster-type mailbox installation within the Village limits, a permit approving site location shall be obtained from the Building Inspection Department, to be signed by the Public Works Manager or his designated representative.

§ 467-4. Drainageways, swales and depressions. [Added by Ord. No. 6-90; Ord. No. 13A-92; Ord. No. 13-02; Ord. No. 3-03; Ord. No. 5-03]

- A. Filling prohibited. No person shall fill or otherwise impede the flow of water in any drainageway/swale/depression area established by the Village which is located in the street right-of-way or is located on private property and of record dedicated to the public or the Village. In areas where a swale or depression has not yet been constructed, the permittee shall be responsible for establishing a twelve-inch to eighteen-inch swale or depression with a maximum five-to-one slope allowed within the right-of-way unless otherwise approved by the Public Works Department/Village Engineer. Swale requirements defined in the approved plat of subdivision must be adhered to if more restrictive than the twelve-inch to eighteen-inch requirement. Materials allowed within the right-of-way shall be a pervious-type material that allows for drainage, with a three-inch maximum thickness in the bottom of the swale. If the swale in the right-of-way is altered by work of any kind, the topsoil must be removed, alterations made, and topsoil replaced to a maximum depth of

three inches.⁷

- B. Penalty. Any person who shall violate Subsection A above shall be subject to a penalty as provided in § 1-4 of this Code. In addition, any person convicted of violating Subsection A above shall be subject to paying the cost of restoring such drainageway/swale/depression as a charge for current services pursuant § 66.0627, Wis. Stats.

§ 467-5. Water falling on streets.

No person shall operate a crop irrigation or other water distribution device in such a manner as to allow water to fall upon any Village street or highway in such volume as to create a traffic hazard or to erode the shoulders of any Village street or highway.

§ 467-6. Snow and ice removal. [Amended by Ord. No. 2-91; Ord. No. 4-91; Ord. No. 40-91; Ord. No. 1-93]

- A. No person shall deposit or cause to be deposited any snow or ice taken or removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village. Snow shall not be deposited in an alley or street within 10 feet of a fire hydrant on a traveled portion of a roadway, nor shall snow or ice be piled within three feet of any fire hydrant.
- B. The deposit of any snow or ice upon any sidewalk, alley, street or within the proximity of any fire hydrant of the Village as prohibited in Subsection A above contrary to the provisions of this section shall be and is declared to be a nuisance, and, in addition to the penalty provided for violation of this section, the Village may summarily remove any snow so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice has been removed. If not paid within 30 days, such charge shall be extended upon the current or next tax roll as a charge for current services, as provided in § 66.0627, Wis. Stats.
- C. No person shall deposit or cause to be deposited any snow or ice taken or removed from his premises onto private property adjacent to or across the street from his premises unless such property is identically owned but instead shall deposit accumulations of snow or ice within his own boundaries or on the Village right-of-way abutting his property off the traveled surface of the roadway. Any person who shall violate this subsection shall be subject to a penalty as provided in § 1-4 of this Code.

§ 467-7. Snow removal operator. [Added by Ord. No. 6-98]

- A. License required. No person, firm or corporation shall operate or use for hire snowplows or any other mechanical, motor-driven snow removal equipment in the Village without having made application and having obtained a license from the Village.
- B. Application. The application for license shall be submitted to the Village Clerk on a form supplied by the Clerk.

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

- C. License fee. The snow removal operator license fee shall be as provided in the Village Fee Schedule⁸ per vehicle/equipment per year or any fraction thereof, said year to commence on July 1 and end on June 30.
- D. Insurance required. Such license shall be issued upon condition that the applicant shall file with the Village Clerk a certificate of insurance issued by a reliable insurance company, under the laws of the State of Wisconsin, with minimum bodily injury limits of \$25,000 for one person and \$50,000 for one accident and minimum property damage liability limits of \$10,000 for one accident to insure payment of all sums imposed upon the insured by law for damages caused by accident arising out of ownership, maintenance, or use of the snowplow or other mechanical, motor-driven snow removal equipment.
- E. Maintenance required. All snow removal vehicles/equipment shall be maintained in a safe and proper working order and in accordance with all Village ordinances and state requirements.

§ 467-8. Sale or display of merchandise.

Except for sales permitted by statute or other sections of this Code, no person shall display, sell, or offer to sell, on any street, sidewalk, alley or other public place within the Village, anything of value or service of any kind, except in connection with a Village-wide enterprise or promotion of community trade.

§ 467-9. Authority to close Village streets. [Added by Ord. No. 20-92⁹]

Pursuant to § 349.185, Wis. Stats., the Public Works Manager or designee and/or the Police Chief is hereby authorized to temporarily close Village streets during any Board-approved special event held on Village property if it is declared in the best interest of public safety to do so.

§ 467-10. Utility extensions.

All utilities and sewer mains and service laterals to the abutting property shall be installed before any street is permanently surfaced or resurfaced.

§ 467-11. Public improvements and assessments. ¹⁰

A. General application.

- (1) The installation of any public improvement shall be an exercise of the police power of the Village as may from time to time be determined by the Village Board, and the property served shall be assessed pursuant to the provisions of §§ 66.0701 and 66.0703, Wis. Stats. (See also Chapter 545, Subdivision of Land, of this Code relating to required improvements in subdivisions.)

8. Editor's Note: See Ch. A600, Fees.

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

10. Editor's Note: See also § 56-7, Special assessment procedure. For assessments required prior to annexation see Ch. 524, Annexations.

- (2) The total cost of any public improvement to be paid in whole or in part by special assessments shall include the direct and indirect costs reasonably attributable thereto, including but not limited to materials, supplies, labor, equipment, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.
- (3) The total assessment for any public improvement shall be based upon the total cost, as defined in Subsection A(2) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a linear frontage basis unless the Village Board otherwise determines that extenuating circumstances require a different method of assessment.

B. Sewer mains.

- (1) All sewer main extensions shall be constructed by the Village in accordance with specifications established by the Public Works Committee.
- (2) Special assessments for all new sewer main extensions hereinafter constructed shall be levied at 100% of the total cost of construction.

C. Streets.

- (1) Streets shall be constructed by the Village in accordance with specifications established by the Public Works Committee.
- (2) Special assessment for all new streets hereinafter constructed shall be levied at 100% of the total cost of construction. The cost of maintenance and resurfacing existing streets shall be borne by the Village.
- (3) Compaction percent. When roads are constructed or excavations are made within any area of blacktop or shoulders, at the owner's/contractor's expense, proof of compaction testing by a certified testing service must be provided showing that requirements are met for a compaction percentage of 95% for the upper four feet and at least 90% at all lower levels in any area that was in any way disturbed or excavated. These compaction tests shall be taken in two-foot lifts. Any road surfacing done after November 15 or close down of the blacktopping plant shall be done with cold mix bituminous asphalt, and the permittee shall be responsible for all costs related to maintaining the surfacing through the winter months, and shall be removed and replaced with hot mix by June 1 of the following year unless special arrangements are made with the Public Works Manager. At least 30% of the compaction tests must be conducted in the immediate area of a fire hydrant, manhole, curb stop or water box. [Added by Ord. No. 14-89; amended by Ord. No. 18-89; Ord. No. 13A-92]
- (4) Crushed aggregate base course. [Added by Ord. No. 18-89]
 - (a) Crushed aggregate base course material shall be furnished and placed in locations as shown on street plans and in accordance with the requirements of the State of Wisconsin Standard Specification for Highway and Structure

Construction Manual.¹¹

- (b) Gradation of aggregate shall meet gradation requirements of the State of Wisconsin Standard Specification for Highway and Structure Construction Manual.¹²
 - (c) The base course material shall be six inches in depth beneath the bituminous pavement mat. Base course materials shall be installed at a minimum two-percent slope from center line to roadway edge. In areas where the pavement mat has been partially removed due to the installation of utilities, the pavement replaced shall be a minimum three inches in depth or per existing depth of the pavement, whichever is greater. Base course shall be a minimum eight inches in depth or per existing depth of base course, whichever is greater.¹³
 - (d) Subgrade shall be graded at a minimum two-percent slope before base course is installed.¹⁴
 - (e) Shoulders shall be a minimum of nine inches in thickness with the width to be determined by the Public Works Department. The final depth of shoulder material shall be placed after the bituminous pavement surface course has been placed. Shoulder material shall consist only of recycled asphalt for the full depth of the bituminous pavement. The shoulder material cannot be substituted with any other type of material unless otherwise approved by the Public Works Department. [Amended by Ord. No. 13-02; Ord. No. 3-03]
 - (f) Contractors shall place six inches of crushed aggregate in driveway aprons where concrete, bituminous or other driveway approach materials are to be placed.
- (5) Bituminous asphalt. Bituminous asphalt shall be 85 to 100 Gradation 3 material, with an asphalt content of not less than 5.2%, and shall be laid to the depth directed by the Public Works Manager. [Added by Ord. No. 18-89]
- (6) Salvage recycle. Salvage recycle shall include not more than 15% bituminous salvage recycle with a net asphalt content of not less than 5.2% and shall be laid to a depth directed by the Public Works Manager. [Added by Ord. No. 18-89]

D. Curb and gutter.

- (1) Curb and gutter shall be installed in accordance with specifications established by the Public Works Committee.
- (2) Special assessment for all new curb and gutter shall be levied at 100% of the total cost and replacement curb and gutter shall be levied at 50% of the total cost.

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

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

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

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

E. Sidewalks.

- (1) Sidewalk standards. The sidewalk shall be located in such places and at such grades as designated by the Village Board and shall be constructed in accordance with standards established by the Public Works Committee.
- (2) New sidewalks. [Amended by Ord. No. 25-88]
 - (a) Special assessments for all new sidewalks in new developments within a commercial district shall be levied at 100% of the total cost.
 - (b) Sidewalks along Post Road, CTH B and Hoover Avenue shall be installed by the developer during any new development in an R-6, R-7, B-1, B-2, M-1 or M-2 Zoning District in accordance with the standards in Subsection E(2)(a) above, such development to be reviewed by the Public Works Committee per the above standards on a case-by-case basis for recommendation to the Village Board.
- (3) Sidewalk repair or replacement. Pursuant to § 66.0907, Wis. Stats., the Public Works Committee may order property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of 20 days after service of the notice provided in § 66.0907(3)(c), Wis. Stats., the Public Works Committee shall repair or construct such sidewalk and the Village Clerk shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land.

§ 467-12. Violations and penalties.

The penalty for violation of any provision of this chapter shall be a penalty as provided in § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.