

CHAPTER 8 PUBLIC WORKS

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PUBLIC WORKS 8.01

8.01 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Director of Public Works, make any opening in any street, alley, sidewalk or any public way within the Village. No permit shall be granted when the ground is frozen unless the Director determines such opening is necessary.

(2) APPLICATION. Application for a permit shall be made on a form supplied by the Director of Public Works. 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 sub. (3) below and a written description of the work, including a sketch designating the trench location.

(3) FEE. The permit fee shall be \$10.00

(4) INSURANCE. A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000, for any one accident, and \$50,000 for property damage.

(5) 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 sufficient barricades and barricade lights in order to warn the traveling public.

(6) EXCAVATION, REFILLING AND REPAVING REQUIREMENTS. The permittee shall comply with all Village Board rules and regulations governing excavation, refilling and repaving and shall be responsible for any costs incurred by the Village. The permittee shall make a determination whether or not sheathing and bracing shall be required. The permittee shall notify the Director of Public Works when repaving has been completed. In the event caving occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.

(7) EMERGENCY EXCAVATIONS 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 an excavation permit; provided that such person shall immediately notify the Village President or the Police Chief and shall apply for an excavation permit not later than the end of the next succeeding business day.

PUBLIC WORKS 8.01 (8)

(8) VILLAGE WORK EXCLUDED. The provisions of this section shall not apply to excavation work done under the supervision of the Director of Public Works by Village employees or contractors performing work under contract with the Village necessitating excavating in Village streets.

8.02 OBSTRUCTIONS AND ENCROACHMENTS. (1) PROHIBITED. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicatee to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2) below.

(2) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:

(a) Public utility encroachments duly authorized by State law or the Village Board.

(b) Temporary encroachments or obstructions authorized by permit granted pursuant to 66.045, Wis. Stats.

(c) Excavations and openings permitted under sec. 8.01 of this chapter.

8.03 SALE OR DISPLAY OF MERCHANDISE PROHIBITED. 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, including any vending machine on any public 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 approved by the Village Board.

8.04 SNOW AND ICE REMOVAL. (1) The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village fronting or abutting any street shall clean, or cause to be cleaned, the sidewalk in front of or adjoining each such building or unoccupied lot of snow or ice to the width of such sidewalk within 24 hours after the cessation of a snowfall. When the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, ashes, sawdust or sand.

Village of North Freedom

RESOLUTION #377

AMEND SECTION 8.04 OF THE VILLAGE ORDINANCES

IT IS HEREBY RESOLVED BY THE VILLAGE BOARD OF THE VILLAGE OF NORTH FREEDOM, WISCONSIN.

To amend Sect. 8.04(1) of the North Freedom Ordinances titled SNOW AND ICE REMOVAL to be numbered 8.04(1 a) and;

To add Sect. 8.04(1 b) of the North Freedom Ordinances titled SNOW AND ICE REMOVAL to read as follows:

In case of the failure and/or neglect of any owner or occupant of any land or parcel of land to remove the snow from sidewalks as specified in subsection 8.04(1 a) then the owner or occupant has committed an offense and shall be cited as follows: \$25.00 if not removed within the 24 hours; \$50.00 if not removed within 48 hours and \$75.00 if not removed within 72 hours. If it has not been removed by that time, the Public Works Director shall remove or cause the snow to be removed from any and all sidewalks and crosswalks that have been neglected by the owner or occupant and a fee as established shall be assessed against the owner or occupant for the cost and expense of removing such snow. The fee, if not paid, will be charged against the respective lots and parcels of land adjacent to which said work shall be done, as a special tax, and such sum or sums shall be collected in the same manner as other special taxes.

This resolution was adopted and approved on a motion presented by leifer _____
seconded by McCulloch

Dated this 9th, day of June, 2003.

Approved by: *Micheal J. Carignan*
Village President

Attest: *Nancy R. Larson*
Clerk-Treasurer

I hereby certify that the foregoing Resolution was duly passed by the Village Board of the Village of North Freedom during its regular session on the 9th day of June, 2003 and approved by the Village President on that date.

Nancy R. Larson-Village Clerk

PUBLIC WORKS 8.04 (2)

(2) No person shall deposit, or cause to be deposited, any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village, except as directed by the Director of Public Works; provided, however, that the removal of snow from a sidewalk in front of or abutting his premises, as is required in sub. (1) above, may be deposited on the alley or street. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.

(3) The deposit of any snow or ice upon any sidewalk, alley or street of the Village 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 66.60(16), Wis. Stats.

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

8.06 PUBLIC IMPROVEMENTS AND ASSESSMENTS. (1) GENERAL APPLICATION. (a) 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 66.60 and 66.62, Wis. Stats.

(b) The total cost of any public improvement to be paid in whole or in part by special assessment 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.

(c) The total assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal frontage basis unless the Village Board otherwise determines that extenuating circumstances require a different method of apportionment.

(d) IT IS HEREBY RESOLVED by the Village Board of North Freedom, Wisconsin, to adopt the following Resolution in an attempt to install and maintain sidewalks in a reasonably safe condition. Sidewalks may be installed by:

- * the property owner(in accordance with Village requirements)
- * a hired contractor(in accordance with Village requirements)
- * a hired contractor under the Village's sidewalk contract

The Village has established an inspection procedure to ensure that all Village sidewalks are inspected on a periodic basis. AT A MINIMUM, all sidewalks will be inspected on a biannual basis. The inspection will follow a rotation system. There are no time frames or limits established.

Hazardous conditions reported to the Village will be investigated. The Village will determine the repairs to be made. Permanent repairs may be scheduled with current construction projects or into the next seasons project. Temporary repairs will be scheduled to be permanently repaired accordingly.

The Sidewalk Committee will use discretion to determine if a sidewalk is defective. Criteria is based on evidence of deterioration and potential hazards due to concrete sections being broken, tilted, raised, chipped or displaced through overall use and freeze and thaw action. Criteria to be considered is:

- * vertical displacement of a random crack or at a joint between sidewalk slabs.
- * a horizontal random crack.
- * 4 or more random cracks in a sidewalk square.
- * vertical alignment irregularities - an elevation difference of $\frac{3}{4}$ " or more.
- * a cracked sidewalk with pieces missing.

Sidewalks identified for repair will be marked with a paint spot. Prior to the construction period, property owners will be given notice as stated in WI STAT 66.615 (c). The owner has 20 days to complete repairs or have it repaired by the Village.

If any person is completing the required repair(s), that person(s) shall not do any of the following:

- * cause to be added any material, including but not limited to, mortar, concrete, etc. to accommodate for differences in elevation in sidewalks.

FURTHER RESOLVED, that this Resolution shall remain in full force and effect until a subsequent Resolution of this Village superseding it has been duly certified. This resolution was adopted on a motion by Mike Carignan seconded by Kim Kaney at the April 10, 1995 Village Board Meeting.

Approved: OSCAR BAUMGARTEN

Attest: JEANNE GRIMM

I hereby certify that the foregoing Resolution was duly passed by the Village Board of North Freedom, Wisconsin, during its regular session on the 10th day of April 1995 and approved by the Village President on that Date.

FURTHER RESOLVED, that this Resolution was amended at the June 10, 2024 Regular Board Meeting on a motion presented by Kingsbury and seconded by Breunig.

Approved: Michael Carignan

Attest: Nicki Breunig

I hereby certify that the foregoing Resolution was duly passed by the Village Board of North Freedom, Wisconsin, during its regular session on the 10th day of June, 2024 and approved by the Village President on that Date.

PUBLIC WORKS 8.06 (2)

(2) SEWER AND WATER MAINS. (a) All sewer and water main extensions shall be constructed by the Village in accordance with specifications established by the Village Board.

(b) Special assessments for all sewer and water main extensions shall be levied at 100% of the total cost c construction.

(3) STREETS. Streets shall be constructed by the Village in accordance with specifications established by the Village Board.

(4) CURB AND GUTTER. (a) Curb and gutter shall be constructed by the Village in accordance with specifications established by the Village Board. All new curb and gutters shall be made of concrete. The exception being that the placement of new curb and gutter is abutted on both sides by existing asphalt.

(b) Special assessments for all new asphalt or cement curb and gutter shall be levied at 100% of the total cost cement curb and gutter replacing cement curb and gutter shall be assessed at 50% of the total cost and the remainder shall be borne by the Village; the cost of replacement asphalt curb and gutter with asphalt curb and gutter shall be borne by the Village.

(5) SIDEWALKS. (a) 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 Village Board.

(b) Special assessments for all new sidewalks shall be 100% of the total cost and replacement sidewalks shall be levied at 100% of the total cost.

(b) New sidewalks shall be five foot wide by five foot long with a thickness of four inches except in front of driveways where the thickness shall be six inches. Existing sidewalks that are being replaced shall conform in size with the adjoining existing sidewalk size. The thickness shall be four inches except in front of driveways where the thickness shall be six inches.

8.07 SPECIAL ASSESSMENT PROCEDURE. (1) ALTERNATE METHOD SELECTED. As provided in 66.62, Wis. Stats., in addition to other methods provided by law, special assessments for any public work or improvement may be levied by alternate methods. The Village Board hereby elects to levy such special assessments as provided in this section.

PUBLIC WORKS 8.07 (2)

(2) PRELIMINARY RESOLUTION. Whenever the Village Board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.

(b) The limits of the proposed assessment district.

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.

(d) The number of installments in which the special assessments may be paid, or that the number of installments shall be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property, or that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(g) The Village engineer shall prepare a report required by sub. (3) below.

(3) REPORT OF VILLAGE ENGINEER. Whenever the Village Board by preliminary resolution, directs the Village Engineer to prepare a report, the Village Engineer shall prepare a report consisting of the following:

(a) Preliminary or final plans and specifications for the public work.

(b) As estimate of the entire cost of the proposed work or improvement, except that when the Village Board determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvement, the report shall contain a statement of the final cost of the work, service or improvement in lieu of estimate of such costs.

PUBLIC WORKS 8.07 (3)

(c) A schedule of the proposed assessments.

(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis for such benefit.

(e) Upon completion of the report, the Village Engineer shall file a copy of the report with the Clerk-Treasurer.

(4) INCORPORATION OF STATUTORY PROVISIONS. The provisions of 66.60, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) LIEN. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Village Board determining the amount of such levy.

8.08 DRIVEWAYS. (1) PERMIT REQUIRED. No person shall construct any new driveway across any sidewalk or curbing without first obtaining a driveway permit from the Director of Public Works. The applicant for a driveway permit shall file the application with the Director and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 150 feet of the proposed driveway.

(2) FEE. The fee for a driveway permit is \$25.00 and shall accompany the application

(3) SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION. (a) Width. No driveway shall exceed 20 feet in width at the outer or street edge of the sidewalk unless approved by the Village Board.

(b) Interference With Intersections Prohibited. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals. All applications providing for location of a driveway within 50 feet of an intersection in residential districts and 150 feet in commercial and industrial districts shall be submitted to the Village Board. The Board shall approve or disapprove the granting of the permit upon determining whether or not such driveway would be detrimental to traffic control and safety.

PUBLIC WORKS 8.08 (3)

(c) Interference With Street Prohibited. No driveway apron shall extend out into the street farther than the face of the curb or roadway surface.

(d) Number of Driveways Limited. No more than one driveway shall be constructed for any residential lot or premises without the approval of the Village Board.

(e) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in sec. 8.06(5) of this chapter. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat workmanlike manner.

8.09 MOVING BUILDINGS. (1) PERMIT REQUIRED. No person shall move any building into or within the Village without a permit from the Director of Public Works upon 30 days' notice.

(2) APPLICATION. Application for a permit shall be made on a form provided by the Director of Public Works.

(3) PERMIT FEE. For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$25. (For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$5).

(4) BOND REQUIRED. Before a permit is issued, the mover must give a bond in the amount of \$10,000 with good and sufficient sureties to be approved by the Village Attorney conditioned that the mover shall save the Village harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for small buildings.

(5) INSURANCE REQUIRED. Before a moving permit shall be issued, the applicant shall submit to the Director of Public Works a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,00 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

PUBLIC WORKS 8.09 (6)

(6) NOTICE TO UTILITIES. Prior to the issuance of said permit, the owner or mover shall certify that he has notify all public utilities whose lines or poles may be interfere with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the build to be moved without damage to its lines and poles and may charge the permittee the cost thereof.

(7) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every permittee shall, within one day after reaching his destination, report that fact to the Director of Public Works. The Director shall thereupon inspect the streets and highway over which said building has been moved and ascertain their condition. If the moving of said building has caused damage to the streets or highways, the house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of Director, the Village shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

8.10 PENALTY. The penalty for violation of any provision this chapter shall be a penalty as provided in sec. 25.04 this Code. A separate offense shall be deemed committed each day on which a violation of this chapter occurs continues.