

**Village of Lake Nebagamon, Douglas County, Wisconsin
Amendment to the Municipal Code**

Chapter 6, §6.01, 6.02, 6.03, 6.04 & 6.05 of the Municipal Code of the Village of Lake Nebagamon entitled "STREET & SIDEWALK GRADES, SIDEWALK CONSTRUCTION & REPAIR, DRIVEWAYS, STREET & SIDEWALK EXCAVATIONS & OPENINGS AND OBSTRUCTIONS & ENCROACHMENTS" are hereby removed from Chapter 6 and transferred, unchanged and in their entirety, to Chapter 9, and renamed §4.7, 4.8, 4.9, 4.10 and 4.11 as follows:

§4.7 STREET & SIDEWALK GRADES

- A. Establishment The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his/her office. No street, alley or sidewalk shall be worked until the grade thereof is established.
- B. Alteration of Grade Prohibited No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Lake Nebagamon by any means whatsoever unless authorized or instructed to do so by the Village Board or the Administrator. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alteration.
- C. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

§4.8 SIDEWALK CONSTRUCTION AND REPAIR

- A. Owner to Construct It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Lake Nebagamon and to pay the entire cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Lake Nebagamon, it shall proceed according to Wis. Stat. §66.615.
- B. Permit Required No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Lake Nebagamon unless he is under contract with the Village to do such work or has obtained a permit therefore from the Zoning Administrator at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits. Wis. Stat. § 66.0901, 66.0903, 66.0905, 66.0907, 66.0909, and 66.0911.
- C. Specifications (Optional) All sidewalks within the Village of Lake Nebagamon hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications.
 - 1. Sub-grade The subgrade shall be prepared by excavating to the line, grade, and cross section as established by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Zoning Administrator a subbase of sand, sand and gravel, or other approved porous material shall be placed under the sidewalk. On embankments, the subgrade shall extend at least one foot beyond each edge of the sidewalk.
 - 2. Material All sidewalks shall be of air-entrained concrete composed of six bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of

good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.

3. Forms Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping, or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.

To provide adequate drainage the sidewalk shall slope toward the curb at a minimum rate of $\frac{1}{4}$ inch per foot of width of sidewalk. All joints and edges shall be finished with a $\frac{1}{4}$ inch radius-edging tool.

4. Width and Thickness Residential walks shall be five feet in width and not less than four inches thick except within driveway approaches where the minimum thickness shall be six inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not less than eight feet in width and five inches in thickness except within driveway approaches where the minimum thickness shall be seven inches.
5. Finishing Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a ten foot straight edge and any areas departing more than $\frac{1}{8}$ inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
6. Jointing Transverse, full depth, $\frac{1}{2}$ inch thick expansion joints of pre-molded expansion material shall be located every 40 feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one inch in thickness and $\frac{5}{16}$ inch in depth, shall be placed at intervals of approximately five feet. Steel division plates shall be placed at right angles to the centerline of the sidewalk at interval of not less than 15 feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Public Works Department.
7. Curing and Drying As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating", "Wet Fabric", or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as is fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50 degrees F), for 96 hours. No

concrete shall be poured when the temperature may be expected to fall below 35 degrees F. in any 72 hour period or upon frozen sub-grade.

- D. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

§4.9 DRIVEWAYS

- A. Approval Required No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Zoning Administrator in cooperation with the Public Works Department.

B. Specifications for Driveway Construction

1. Width No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.
2. 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.
3. Interference with Street No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right of way. When required by the Public Works Department to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
4. Number of Approaches Limited No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the director of Public Works. Any two approaches shall be at least ten feet apart.
5. 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 § 6.02(C) of this code insofar as such requirements are applicable, including thickness requirements in § 6.02(C)(4).
6. Permittee Liable for Damage of Injury The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent, acceptable material and curb returns provided or restored in a neat, workmanlike manner. Any sidewalk areas, which are damaged or are inadequate by reason of vehicle travel across the sidewalk, shall be replaced in accordance with the requirements of § 6.02(C) of this code.

- C. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

§4.10 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS

- A. Permit Required No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk, or other public way within the Village of Lake Nebagamon without first obtaining a permit therefore from the Zoning Administrator.
- B. Bond Before a permit for excavation or opening any street or public way may be issued; the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5000. Conditioned that he will indemnify and save harmless the Village of Lake Nebagamon 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 Zoning Administrator for a period of one year, and that he/she will pay all fines 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 bond 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 year.

Recovery on such bond for any accident, injury violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries, or violations during the period of excavation for which it is given.

An annual bond may be given under this section covering all excavation work done by the principal for one 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.

- C. Insurance Prior to commencement of excavation work, a permittee must furnish the Village Office satisfactory written evidence that he/she has in force and will maintain during the life of the permit and the period of excavation, public liability insurance of not less than \$100,000 for one person, \$300,000 for one accident and property damage insurance of not less than \$50,000.
- D. Regulations Governing Street and Sidewalk Openings
1. Frozen Ground No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Public Works Department and filed in the Village Office.
 2. Removal of Paving In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practical inconvenience to the public and permit free flow of water along gutters.
 3. Protection of Public Every person shall enclose with sufficient barriers each opening, which he may make in the streets of public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his/her agents, or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Village Administrator, 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 effectually 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.

4. Replacing Street Surface In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Public Works Department is not suitable for refilling, shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be laid in layers not more than six inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.
- E. 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 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Village Office shall notify in writing each person, utility, Village department 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 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless the opinion of the Public Works Department an emergency exists which makes it absolutely essential that the permit be issued.
- F. Emergency Excavations Authorized In the event of an emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or 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 shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.
- G. Village Work Excluded The provisions of this section shall not apply to excavation work under the direction of the Public Works Department by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.
- H. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

§4.11 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 sub. (B).

B. Exceptions The prohibition of sub. (A) shall not apply to the following:

1. Signs or clocks attached to the buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk, street, or alley.
2. Awnings, which do not extend below any point seven feet above the sidewalk, street, or alley.
3. Public utility encroachments duly authorized by state law or the Village Board.
4. Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.
5. Temporary encroachments or obstructions authorized by permit under sub. (C).
6. Excavations and openings permitted under § 6.04 of this code.

C. Street Privilege Permit

1. When Required Permit for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Zoning Administrator 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 subsection and has obtained a building permit if required by Zoning Ordinance represented in § 8.01 of this Ordinance.
2. Bond No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Village Board. Conditioned that the applicant will indemnify and save harmless the Village of Lake Nebagamon 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.
3. 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 erections, 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 Zoning Administrator for violation thereof:
 - a) Such temporary obstruction shall cover not more than 1/3 of any street or alley.
 - b) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - c) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width, guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
 - d) The process of moving any buildings or structure shall be as continuous as practicable until completed, and shall continue during all hours of the day and night.

- e) 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.
- f) Buildings shall be moved only in accordance with the route prescribed by the Village Office.
- g) Upon termination of the work necessitating such obstructions, 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.

4. Termination All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Zoning Administrator.

D. Removal by Village In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Village Office to do so, it shall be the duty of the Public Works Department to remove such obstruction and make return of the cost and expense thereof to the Village Clerk 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.

E. Penalty The penalty for violation of any provision of this section shall be a penalty as provided in § 15.04 of this code.

Dated the 3rd day of September, 2019

By:



Darrell Kyle, Village President

ATTEST:



Daisha Nolan, Village Clerk

Adopted: 9/3/2019

Notice Published: 9/4/2019