

## TITLE 6

### PUBLIC WORKS

Chapter 1	Grades
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#### CHAPTER 1

6-1-1	Establishment of Grades
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6-1-3	Regulation & Grades of Underground Utilities

#### SEC. 6-1-1 ESTABLISHMENT OF GRADES.

- (a) **Grades to be Established.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Common Council, upon the recommendation of the City Engineer, and the same recorded by the City Clerk-Treasurer. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed.
- (b) **New Sidewalk Grade.** Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Common Council, or its designee, shall, upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established.
- State Law Reference: Sections 62.14(7) and 62.16, Wis. Stats.

#### SEC. 6-1-2 ALTERATION OF GRADE PROHIBITED.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Green Lake by any means whatsoever unless authorized or instructed to do so by the Common Council. All such alterations of grade shall be recorded in the office of the City Clerk-Treasurer.

#### SEC. 6-1-3 REGULATION OF UNDERGROUND UTILITIES.

- (a) **Elevation.** The grade or elevation of all underground construction shall be a minimum of three (3) feet below the

established grade of the street, alley, park, public property or easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.

- (b) **Approval of Location.** The location of any and all such underground construction must have the approval of the Common Council.
- (c) **Filing Plans.** Complete plans for any such construction must be filed with and be approved by the Common Council before construction can begin.
- (d) **Inspection.** On request of the Common Council, the utility company must provide opportunity for City officials to check any construction before it may be covered.
- (e) **Conflict with Other Utilities.** If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction at the election of the Common Council, and in accordance with its directions and specifications.
- (f) **Establishment of Grade.** At the request of the utility company, the Common Council shall, at the City's expense, give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.
- (g) **Emergency.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Common Council as soon thereafter as is reasonably possible.
- (h) **Restoration of Surface.** In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure to do so, the City may proceed to place the surface of the ground or street in such condition at the utility company's expense. Such work shall comply with the provisions of Sections 6-2-3 and 6-2-4.
- (i) **Non-Relief from Obligations.** Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travelway, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

## 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 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 Common Council, or its designee, the City may cause the same to be done and report the cost thereof to the City 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) Construction and Repair.**

- (1) Authority of Council. The Common Council may, from time to time, by resolution determine whether sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks.
- (2) New Construction (where no previous sidewalk existed). The Common Council may determine that new sidewalks shall be constructed along or upon any dedicated public street, right-of-way or highway within the City. The cost shall be paid by the developer, if any. If there is no developer, then the cost shall be paid by the abutting property owners. Sidewalks shall be located in such places as designated by the Common Council. Sidewalks that are placed only on one side of a street will be paid by and assessed to homeowners on both sides of the street equally.
- (3) Repair or Replacement of Defective or Damaged Sidewalks.
  - a. **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection,

except where the context clearly indicates a different meaning:

Crack means a fissure within a sidewalk square.

Defective sidewalk or square means a sidewalk square meeting the criteria for replacement specified in subsection (d) of this section.

Joint means a manmade gap that separates two or more sidewalk squares.

Material means that only concrete shall be the only material allowed for sidewalk within the public right-of-way. Temporary sidewalk repair may warrant a less permanent material.

Scaling means a surface loss of mortar exposing the mix aggregate.

Sidewalk means a public sidewalk within the street right-of-way.

Sidewalk square means that portion of a sidewalk bordered by joints and the sidewalk edge.

Spalling means a chipped or pop-out condition of a sidewalk square.

Specifications refer to that section relating to sidewalk installation of the "Wisconsin Department of Transportation, Standard Specification for Highway & Structure Construction" (current edition).

- b. **State Statutes Adopted.** Wis. Stats. 66.0907 is incorporated in this section by reference.
- c. **Delegation of authority; sidewalk inspectors.** The Public Works Director shall have the authority of the Common Council as provided for in Wis. Stats. 66.0907, and he shall designate one or more subordinates as sidewalk inspectors who shall have the duty of inspecting the sidewalks within the city and ordering or arranging for the replacement of defective sidewalks.
- d. **Criteria for determining necessity of replacement.** Sidewalk squares which meet the following criteria shall be considered defective, unsafe and insufficient and in need of replacement.
  - (1) There is a difference in height equal to or greater than one-half inch in the elevation of adjacent sidewalk squares.
  - (2) There is a crack equal to or greater than one-fourth of an inch in width.
  - (3) There is a difference in height equal to or greater than one-half inch in the elevation of adjacent sections of a crack.
  - (4) There is a depression greater than one-half inch within sidewalk square.
  - (5) There is spalling which has resulted in a depression greater than one-fourth of an inch.
  - (6) There is a noticeable change or distortion in the constant grade resulting from the heaving or settlement of two or more sidewalk squares. The underlying cause of the

distortion must be remedied prior to sidewalk replacement.

- (7) There has been a temporary sidewalk repair.
- (8) There is scaling which has resulted in depressions greater than one-fourth of an inch in depth.

- e. **Temporary sidewalk repair.** No sidewalk square shall be ordered or arranged to be repaired by way of crack fillers, wedges, abrasive grinding, surface treatments or the like, by a sidewalk inspector, except as a temporary measure pending replacement. Sidewalk squares that, upon inspection, are noted to have been temporarily repaired shall be ordered or arranged to be replaced. However, wherever the only defect is a difference in elevation due to settlement or heaving, it shall be permissible to remedy the defect by adjusting the square by means of "mud jacking".
- f. **Procedure; sidewalk replacement and payment of costs.** The procedure for sidewalk replacement and for the payment of the cost shall be governed by Wis. Stats. 66.0907.
- g. **Penalty.** Any person who shall fail to replace or repair defective sidewalks within 45 days after being so ordered as provided herein shall be subject to a penalty as provided in Section 1-1-7 of this Municipal Code. A separate offense shall be deemed committed on each day in which a violation of this section occurs or continues. This section shall not preclude the City from replacing or repairing defective sidewalks as provided in Wis. Stats. 66.0907

- (b) **Sidewalk Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the City unless he is under contract with the City to do such work or has obtained a permit therefore from the Director of Public Works or his designee at least seven (7) days, before work is proposed to be undertaken. A fee of Five Dollars (\$5.00) shall be charged for such permits.

- (c) **Standard Specifications for Sidewalk.**

- (1) General. Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the City.
- (2) Subgrade. Subgrade shall be two (2) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft, porous and unsuitable subgrade material shall be removed and be replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed.

On embankments, the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

- (3) Concrete. The minimum quantity of cement per cubic

yard shall be six (6) sacks of ninety-four (94) pounds each. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test three thousand (3,000) pounds compression in twenty-eight (28) days.

- (4) Forming. 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. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats. Forms shall be securely fastened, staked, braced, and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.
- (5) Jointing, Floating, and Finishing. Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half (1/2) inch expansion joint shall be placed. Transverse expansion joints of one-half (1/2) inch thick and four (4) inches wide and five (5) feet long or pre-molded material shall be located every thirty (30) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have one-half (1/2) by four (4) inch expansion joints of pre-molded material.
- (6) Slope. All forms must be approved by the Director of Public Works or its designee before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street.
- (7) Width and Thickness. Residential walks shall be five (5) feet in width and not less than four (4) inches thick, except within driveway approaches where the minimum thickness shall be six (6) inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width. Sidewalks in front of commercial or industrial establishments shall have a width as determined by the Common Council and be four (4) inches thick, except within driveway approaches where the minimum thickness shall be seven (7) inches.
- (8) Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish in transverse direction. Edges and joints shall be given a finish with a one-quarter (1/4) inch radius edging

tool. Dry cement shall not be spread on a wet surface to take up excess water. Finishing operations shall be delayed until water has disappeared. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours.

(9) Curing and Drying. As soon as any of the concrete work herein before 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** Spec. 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.

(10) Cold Weather Requirements. When the temperature is less than forty (40) degrees F., all concrete placed in the forms shall have a temperature between fifty (50) degrees F. and seventy (70) degrees F. and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.

(d) **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 EXCAVATION 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 ditch, public ground, public sidewalk or City-owned easement within the City of Green Lake without a permit therefore from the Director of Public Works.

(b) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the City Clerk-Treasurer, 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 City Clerk-Treasurer

shall refer the application to the Director of Public Works, who shall make a determination on the application.

- (c) **City Work Excluded.** The provisions of this Section shall not apply to excavation work under the direction of City departments or employees or to contractors performing work under contract with the City necessitating openings or excavations in City Streets.
- (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 City Clerk-Treasurer and payment of a Five Dollar (\$5.00) renewal permit fee. Permit renewals shall be issued at the discretion of the Director of Public Works.
- (f) **City Standards; Fees.**
  - (1) City 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 permits for making openings in streets, alleys, sidewalks, or public ways shall be Seventy-five Dollars (\$75.00).
- (g) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the Director of Public Works satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$500,000 per one (1) person, \$500,000 for one (1) accident and property damage coverage of not less than \$500,000. The policy shall name the City of Green Lake as the third-party insured.
- (h) **Bond.**
  - (1) Before a permit for excavating or opening any public street, sidewalk, ditch, alley or public right-of-way may be issued, the applicant must execute and deposit with the Clerk-Treasurer an indemnity bond in the sum of Five Thousand Dollars (\$5,000.00) conditioned that he will indemnify and save harmless the City of Green Lake and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he 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 may make as near as can be to the state and condition in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Common Council for a period of one (1) year, and that he will pay all fines or forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by



the Common Council 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 City. Such bond shall also guarantee that, if the City 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. 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 violation of law during the period of excavation for which it is given.

- (2) 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 Common Council as necessary to adequately protect the public and the City.
  - (3) Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Common Council shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
  - (4) 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 City in an amount determined by the Common Council.
  - (5) Whenever the Common Council 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 surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Common Council 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 City for the cost of doing the work as set forth in this Notice.
- (i) **Public Utilities.** All public utilities as defined in Sec. 66.06 and 196.01, Wis. Stats., are hereby required to be bound by the terms and conditions of this Section and Section 6-2-4, any and all subparagraphs thereunder, except that a public utility as defined within this Section shall not be required to post the indemnity bond.

#### **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 15<sup>th</sup> and May 1<sup>st</sup> except where it is determined by the Common Council or its designee 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 City 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 City 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 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 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 City 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 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 or his designee, 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 or his designee 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) 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 water courses shall not be obstructed.
- (2) 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 or his designee, 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 or his designee, 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 City. 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 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 Director of Public Works shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (g) **Pavement Replacement and Sidewalk, Curb and Gutter and Driveway Restoration.**
- (1) Backfill material shall be left below the original surface to allow for five (5) 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 three (3) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of one and one-half (1-1/2) inch layers 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 (1/4) 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 the Director of Public Works or his designee.
  - (4) All permanent restoration of street, curb and gutter

shall be of the same type and thickness as the curb and gutter which abuts. The grade of the restored curb and gutter shall conform with the grade of the existing adjacent curb and gutter.

- (5) All permanent restoration of driveways and sidewalks shall conform to the manner of construction as originally placed and to the lines and grades as given by the City Engineer. No patching of concrete driveway areas will be allowed between joints or dummy joints.
  - (6) Sidewalks shall be replaced the full width of the walk and minimum length shall be sixty (60) inches. All replaced walk shall be four (4) inches thick, except at driveways where it shall be six (6) inches thick. The new walk shall slope to conform to existing construction across the width of the walk toward the street.
  - (7) 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 and one-half (3-1/2) 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 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 City officials immediately.
- (i) **Excavation in New Streets Limited.** Whenever the City 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 Common Council, the City 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 Common Council, 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.
- (j) **Repair by City.** The City may elect to have the City or a

contractor working for the City make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining such repair for one(1) year shall be charged to the person making the street opening.

**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 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 Common Council, or its designee, 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) Excavation and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.
  - (4) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
  - (5) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.
  - (6) Public utility encroachments duly authorized by state law or the Common Council.
  - (7) Temporary obstructions authorized by permit pursuant to Subsection (c).
  - (8) Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.
  - (9) City Sponsored Directional Signs. A City authorized sign on which the names, locations and directions of businesses, recreational and public facilities, and other attractions are displayed for the purpose of directing persons to such places. Such signs shall be uniform in color, size, and lettering. Such signs as approved by the City Council are to follow the requirements in Section 6-2-5(c) except that they may be placed in any zoning district, may be permanent in design, may be requested by an individual or organization other than the adjacent property owner, and the fee may be waived at the discretion of the City Council.
- (c) **Issuance of Permit.**

- (1) The Common Council is authorized to issue a permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
    - a. The property must be located in an area zoned for commercial uses.
    - b. 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.
    - c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than four (4) feet at any point.
    - d. The property owner whose property adjoins the City sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.
  - (2) Upon reviewing the permit application if it is determined by the Common Council that all of the above requirements have been met, it shall issue the permit. Said permit may be revoked by the Common Council at any time when one (1) or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.
  - (3) The fee for such permit shall be Five Dollars (\$5.00).
- (d) **Removal by City for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any City enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he 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 City for Obstruction and Encroachments Located in the City Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if the Common Council determines that a City street, alley, public grounds or land dedicated for public use is obstructed or encumbered, it shall issue a written notice to the property owner of the premises which adjoin 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, the Council shall cause the removal of the obstruction, keeping an account of the expense of the abatement, and 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 City 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 City 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 City 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 City may be granted to applicants by the Common Council 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 Common Council may request advisory recommendations from the Chief of Police, Director of Public Works and Building Inspector prior to issuance of the permit. City 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 City Clerk-Treasurer a bond not exceeding Twenty Thousand Dollars (\$20,000.00), conditioned that the applicant will indemnify and save harmless the City 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 City resulting from such building or moving operations.
- (c) **Fee.** The fee for a street privilege permit shall be in the sum of Ten Dollars (\$10.00), plus any actual City 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 Mayor, Chief of Police, Director of Public Works, or Common Council 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) 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.

- (5) 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 Board of Public Works.
- (f) **Removal by City.** 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 Common Council to do so, it shall be the duty of the City to remove such obstruction and make return of the costs and expenses thereof to the City 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 material to accelerate melting or prevent slipping.
- (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), the Director of Public Works, or his designee, shall take the following action:
- (1) Hazardous Conditions. If the Director of Public Works, or his designee, determines that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, he 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 ice be removed immediately after 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 Director of Public Works, or his designee, shall cause all sidewalks which have not been cleaned or sprinkled in the manner heretofore to be cleaned or sprinkled upon default of the person whose duty it shall be to clean or sprinkle the same, and the cost thereof, shall be assessed as a special tax against the abutting property, which shall be collected in the same manner as other City taxes. One (1) written notice per winter season is all that is required to be provided to the owner, occupant or person in charge of any parcel or lot which fronts or abuts any sidewalk. The Director of Public Works or his designee is not required to give the above stated Notice after every snowfall. After one (1) notice has been given to the owner, occupant or person and another snowfall occurs and the owner, occupant or person does not clean the snow or ice on the sidewalk within twenty-four (24) hours from the time the snow ceases to accumulate on the sidewalk, the Director of Public Works, or his designee, may clean or remove the snow or ice from the sidewalk and the cost thereof shall be assessed as a special tax against the property owner, which shall be collected in the same manner as other City taxes. However, any Notice sent out must inform the owner, occupant or person of this provision.

(2) 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. Snow from public sidewalks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access. The deposit of any snow or ice upon any sidewalk, alley or street of the City, contrary to the provisions of this Section, is a nuisance; and in addition to the penalty provided for violation of this Section, the City may summarily remove and transport from the site any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice had been removed. This section shall not apply to streets in a commercial district where sidewalk abuts to the street or curb, and sidewalk does not have an open space to pile snow between the street and the sidewalk or sidewalk and abutting property.

(c) **Enforcement.** The Director of Public Works, or his designee, is 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) after receiving a written notice shall result in the Director of Public Works, or his designee, causing the removal of said snow and/or ice. One (1) written notice per winter season is all that is required to be provided to the owner, occupant or person in charge of any parcel or lot which fronts or abuts any sidewalk. The Director of Public Works or his designee is not required to give the above stated Notice after every snowfall. After one (1) notice has been given to the owner, occupant or person and another snowfall occurs and the owner, occupant or person does not clean the snow or ice on the sidewalk within twenty-four (24) hours from the time the snow ceases to accumulate on the sidewalk, the Director of Public Works, or his designee, may clean or remove the snow or ice from the sidewalk and the cost thereof shall be assessed as a special tax against the property owner, which shall be collected in the same manner as other City taxes. However, any Notice sent out must inform the owner, occupant or person of this provision.
- (f) **Expense.** An account of the expenses incurred by the City 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 City 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 1-1-7 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" means the land between the edge of the paved, graveled or curbed part of a street and the sidewalk. Where there is no sidewalk, the land located four (4) feet from the edge of the paved, graveled or curbed part of a street.
- (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 Common Council or its designee
- (c) **Responsibility to Maintain.** Every owner of land in the City whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such

land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow. Removal of such snow by the City shall be charged to the property owner following the procedures prescribed in Section 6-2-7(f).

Cross-Reference: Title 6, Chapter 4.

**SEC. 6-2-9 VAULTS.**

All vaults and cisterns under sidewalks shall be prohibited, except those owned by the City.

**SEC. 6-2-10 REQUEST FOR IMPROVEMENTS.**

Requests or petitions by City property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Common Council on or before September 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 of occupant thereof.

**SEC. 6-2-12 STREET NUMBERS.**

- (a) **Buildings to Have Street Numbers.** Each principal building in the City shall be assigned an official street number by the City Clerk-Treasurer. All lots and parts of lots in the City shall be numbered in accordance with a street numbering map on file in the office of the City Clerk-Treasurer. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.
- (b) **Street Numbers 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 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.

- (c) **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 City shall serve him a notice requiring him to properly number the same, and if he neglects to do so for ten (10) days after service, he shall be subject to a forfeiture as provided in Section 1-1-7.

**SEC. 6-2-13 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. 6-2-14 CURB AND GUTTER CONSTRUCTION AND REPAIR.**

All curb and gutter within the City shall be laid, repaired, or replaced by the City pursuant to either of the following two (2) methods:

- (a) **Petition From Abutting Property Owners.** In case of a petition to the City to build, replace, or repair any curb and gutter signed by the abutting property owners, such petition shall, whether specifically stated in the petition or not, authorize said City to building said curb and gutter abutting the property owned by said petitioners in such manner as the Common Council shall direct, that is, either directly by the City or by a private contractor hired by the City with or without bids and to charge the cost thereof to the abutting lots or parcels of lands in such portions as the Common Council may determine, and to enter the same on the tax roll as a special tax against such lots of parcels, and to collect the same in all respects like other taxes on real estate. The cost of such construction shall be the responsibility of the property owner.
- (b) **Common Council Determination Without Petition from Abutting Property Owners.** Whenever the Common Council shall, by resolution, determine that a curb and gutter be laid, rebuilt, or repaired on any public street within the City, it shall proceed according to Sections 66.60 and 66.62, Wis. Stats. The cost of such construction shall be the responsibility of the property owner.

**SEC. 6-2-15 DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS.**

No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back, upon, or over any public sidewalk in the City of Green Lake. When the eaves of any building extend over or are so constructed that water may fall there from or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain therefrom or run back

upon or over any public sidewalk.

## CHAPTER 3

### Driveways

6-3-1 Driveway Permit Required

6-3-2 Driveway Location, Design & Construction Requirements

#### SEC. 6-3-1 DRIVEWAY PERMIT REQUIRED.

- (a) **Purpose.** For the safety of the general public, the City shall determine the location, size, construction and number of access points to public roadways within the City limits. It is the City's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (b) **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the City of Green Lake without first obtaining a permit therefor as provided by this Chapter.
- (c) **Application.** Application for such permit shall be made to the City Clerk-Treasurer for referral to the Director of Public Works on a form provided by the City and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The applicant shall pay a fee of Fifty Dollars (\$50.00). Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Director of Public Works shall approve such application if the proposed driveway complies with the terms and conditions of this and any other applicable City ordinance.
- (d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:
- (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the City street, or for any other purpose.
  - (2) The City, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the City street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
  - (3) The permittee, his successors or assigns, agrees to

indemnify and hold harmless the City of Green Lake, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

- (4) The City does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the City street.

**SEC. 6-3-2 DRIVEWAY LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.**

(a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:

- (1) General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Common Council, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
- (2) Number. The number of driveways to serve an individual property fronting on a street shall be one (1), except where deemed necessary and feasible by the Common Council for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
- (3) Island Area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (7).
- (4) Drainage. The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. 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.
- 5) Reconstruction of Sidewalks and Curb and Gutter. When



constructing a new driveway where the curb and gutter is cracked and is determined by the Director of Public Works to be in need of replacing, the new connections shall be of equivalent acceptable materials and curb returns shall be provided or restored in a neat, workmanlike manner. Where the curb and gutter is in good condition as determined by the Director of Public Works, the curb and gutter may remain. The face of the curb may be saw cut and removed. The face of the curb shall have a 10 inch tapered slope at the point of the cut. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk requirements are applicable, including thickness requirements. Standard thickness of residential driveway approaches will be six (6) inches thick. Colored concrete may be used in the sidewalk in driveways except where there is an existing sidewalk. However, if and when the City of Green Lake may need to remove and restore the sidewalk, the City of Green Lake is only responsible to replace the sidewalk with a non-colored concrete mix. All cost to restore a sidewalk with a colored concrete mix is the responsibility of the property owner.

- (6) Restricted Areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
- a. The filling or draining shall be to grades approved by the City Engineer and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
  - b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
  - c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Common Council.
- (7) Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Common Council necessary before any utility may be relocated and the driveway

installed.

- (8) Construction Across Sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 6-2-2 of this Code insofar as such requirements are applicable, including thickness requirements.
- (9) Variances. Any of the above requirements may be varied by the Common Council in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

(b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:

- (1) Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than twenty-four (24) feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Common Council in its discretion may permit a driveway of additional width.
- (2) Angular Placement of Driveway. The angle between the center line of the driveway and the curb line shall not be less than 45 degrees.
- (3) Island Areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a City street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the City street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.

(c) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:

- (1) Width. Unless special permission is first received from the Common Council, or committee thereof, a residential single-type driveway shall be no greater than twenty-four (24) feet wide at the curb line and eighteen (18) feet wide at the outer or street edge of the sidewalk; residential double type driveways shall be no greater than twenty-four (24) feet wide at the curb line and eighteen (18) feet wide at the outer or street edge of the sidewalk.
- (2) Angular Placement. The center line of the drive may be parallel to the property line of the lot where access

- is required or at right angles to the curb line.
- (3) Color. Colored concrete may be used in residential driveway approaches. However, if and when the City of Green Lake may need to remove the driveway approach, the City of Green Lake is only responsible to replace a driveway approach with a non-colored concrete mix. All cost to restore a driveway with a colored concrete mix is the responsibility of the property owner.
- (d) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Director of Public Works to issue a permit for a private driveway may appeal such refusal to the Common Council within twenty (20) days after such refusal to issue such permit is made.
- (e) **Prohibited Driveways.**
- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the City of Green Lake except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
  - (2) No driveway shall be closer than fifteen (15) feet to the extended street line at an intersection. 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 City for effective traffic control or for highway signs or signals.
  - (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
  - (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.
  - (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.
- (f) **Culvert Construction Standards.**
- (1) Size. Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be of new manufacture, unless specifically excepted by the City Engineer.

- (2) Gauge. The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

<u>Height of Cover (in feet)</u>	<u>Class of Pipe</u>
0-2	IV
2-3	III
3-6	II

- (3) Drainage. The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) Endwalls. Culverts shall be provided with a concrete or metal apron endwalls as directed by the City Engineer.
- (5) Backfill Material. Material used for backfill shall be of a quantity acceptable to the City Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.
- (6) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion, or as directed by the City Engineer.
- (7) Distance. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled pursuant to Subsection (a) (6).
- (8) Cost. The property owner shall install the culvert, and be responsible for the cost thereof. The property owner shall keep his culverts unobstructed and clean.
- (9) Appeal. Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the City Clerk-Treasurer, who shall place the matter as an agenda item for the Common Council's next meeting. The Common Council may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The City Engineer may be asked to render an opinion on the request.