

# **VILLAGE OF MOUNT CALVARY**

Fond du Lac County, Wisconsin

## **STREETS AND SIDEWALKS ORDINANCE**

### **ARTICLE I**

#### **Section 1.0 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 Village Board of Trustees or its designee, the Village Board of Trustees or its designee may cause the same to be done and report the cost thereof to the Village Building Inspector who shall spread the cost on the tax roll as a special tax against the premises, pursuant to sec. 66.0627, Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

#### **Section 2.0 CONSTRUCTION AND REPAIR OF SIDEWALKS; COST OF CURB AND GUTTER**

2.1 Board May Order. The Village Board of Trustees may determine that sidewalks or curb and gutter may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board of Trustees may determine or change the width or grade of any street or sidewalk.

#### **2.2 Apportionment of Sidewalk and Curb and Gutter Costs.**

2.21 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.

2.22 Whenever the Village Board of Trustees by resolution determines that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village, it shall proceed according to sec. 66.0907, Wis. Stats.

2.3 Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Mt. Calvary unless he is under contract with the Village to do such work or has obtained a permit therefore from the Village Building Inspector at least three (3) days before work is proposed to be undertaken.

## 2.4 Standard Specifications for Sidewalk.

2.41 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 Village.

2.42 Grading. Prior to construction, ground on which sidewalks are to be placed shall be brought to within three (3) inches of subgrade by the contractor.

2.43 Subgrade. Subgrade shall be three (3) 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 and unsuitable subgrade 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.

2.44 Concrete. The minimum quantity of cement per cubic yard shall be six (6) ninety-four (94) pound sacks. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test two thousand (2,000) pounds compression in twenty-eight (28) days. Bituminous sidewalks are prohibited.

2.45 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 (2) 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 is placed against them. 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.

2.46 Jointing. Transverse, full depth, one-half (½) inch thick expansion joints of premolded expansion material shall be located every forty (40) feet and at the property line, and where the walk intersects another walk, curblin, 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 (1) inch in thickness and five-sixteenths (5/16) inch in depth, shall be placed at intervals of approximately five (5) 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 Village Board of Trustees.

2.47 Slope. 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, and unless otherwise specifically indicated, there shall be a six (6) inch strip of street property left between the property line and the edge of the sidewalk.

2.48 Width and Thickness.

(1) Residential walks shall be four (4) feet in width and not less than four (4) 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 the ordinance codified in this section.

(2) Sidewalks in front of commercial or industrial establishments shall be not less than five (5) feet in width and five (5) inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.

(3) The Village Board of Trustees, by a three-fourths (3/4) vote of the entire Board, may waive the requirement that sidewalks in front of commercial or industrial establishments shall not be less than five (5) feet in width and five (5) inches in thickness when, in the opinion of the Village Board of Trustees, a lesser footage may be deemed more appropriate.

2.49 Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. 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 50°F.) for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen subgrade.

2.50 Curing. As soon as any of the concrete work mentioned under this section 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. C156-44 T, Method of Test for Efficiency of Materials for Curing Concrete, shall be used. Said specifications are adopted by reference as if fully set forth in this section.

2.51 Higher Standards. Where deemed necessary by the Village, higher sidewalk standards may be required by the Village Board of Trustees.

2.52 Repair or Replacement of Defective Sidewalks. The Village Board of Trustees may determine that any sidewalk which is unsafe, defective, or insufficient be repaired or removed and replaced with a sidewalk in accordance with this section. The existence of any one or more of the hereinafter enumerated characteristics shall determine whether a sidewalk is defective or insufficient:

(1) Three-fourths (3/4) inch or more vertical differential between adjacent sharp edged individual sidewalk blocks (crack in slab) and between adjacent round edged individual sidewalk blocks (joint).

(2) One and one-fourth (1-1/4) inch horizontal distance between adjacent individual sidewalk blocks.

(3) Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block.

(4) If eighty percent (80%) of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.

2.53 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.

### **Section 3.0 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS**

3.1 Permit Required. No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ground, public sidewalk or Village-owned easement within the Village of Mt. Calvary without a permit therefor from the Village Building Inspector.

3.2 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 Village Building Inspector, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Village Building Inspector shall determine if sufficient information is submitted.

3.3 Exception. The provisions of this section shall not apply to Village excavation work done under the direction of the Village Board of Trustees or Director.



3.4 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 4.7 for pavement replacement.

3.5 Renewal of Permit. If operations have begun under an approved permit and will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the Village Building Inspector and payment of a renewal permit fee in the amount of Five Dollars (\$5.00). Permit renewals shall be issued at the discretion of the Village Building Inspector.

3.6 Village Standards; Fees.

3.61 Village Standards. All street work shall be performed in accordance with the current standard specifications for street openings found in this section and Section 4.0. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.

3.62 Fee. The fee for a street opening permit shall be Twenty-five Dollars (\$25.00) plus actual Village expenses. Permit fees shall be paid to the Village Building Inspector who shall issue his receipt therefor.

3.63 Insurance Required. A permit shall be issued only upon the condition that the applicant submit to the Village Building Inspector 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 \$1 million per one (1) person, \$1 million for one (1) accident and property damage coverage of not less than \$500,000.

3.64 Bond.

3.641 Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement that he will indemnify and save harmless the Village of Mt. Calvary 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 Village Board of Trustees 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 drainlaying adopted by the Village Board of Trustees and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such statement shall also guarantee that, if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one (1) year.

3.642 Faulty work or materials shall be immediately replaced by the permittee upon notice by the Village. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Village shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.

3.643 The person who does such restoration shall be responsible therefor for one (1) year from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in an amount determined by the Village Board of Trustees.

3.644 Whenever the Village Board of Trustees 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 Village Board of Trustees to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.

3.645 An annual bond may be given under this section covering all excavation work done by the principal for one (1) year beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board of Trustees as necessary to adequately protect the public and the Village.

#### **Section 4.0 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS**

4.1 Frozen Ground. No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 1st except where it is determined by the Village Board of Trustees or its designee to be an emergency excavation.

#### **4.2 Protection of Public.**

4.21 Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the Village Board of Trustees or its designee, and in accordance with Section VI of the Manual of Uniform Traffic Control Devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.

4.22 All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

4.23 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.

4.24 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 Village Building Inspector 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 4.8.

4.25 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 4.8.

#### 4.3 Pavement Removal.

4.31 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.

4.32 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.

4.33 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.

4.34 The Village Board of Trustees or its 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.

#### 4.4 Excavation.

4.41 All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural watercourses shall not be obstructed.

4.42 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.

#### 4.5 Backfilling.

4.51 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, in the opinion of the Village Board of Trustees, is unsuitable.

4.52 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 Village Board of Trustees, hauled in.

4.53 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.

4.54 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.

4.55 All excavations shall be subject to testing by the Village. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.

4.56 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.

4.6 Notice. It shall be the duty of the permittee to notify the Village Building Inspector and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The Village Building Inspector shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.

4.7 Pavement Replacement.

4.71 Backfill material shall be left below the original surface to allow for four (4) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.

4.72 Bituminous pavement shall be placed the full depth of the existing pavement or two and one-half (2 ½) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of a one and one-half (1 ½) inch base layer and a one (1) inch top layer, with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. I 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.

4.73 Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by Village officials.

4.74 In emergency excavations during winter months when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three (3) inches of cold mix bituminous material or other material deemed appropriate by the Village Board of Trustees. 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.

4.8 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 make take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify the Village office immediately.

4.9 Excavation In New Streets Limited. Whenever the Village Board of Trustees determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board of Trustees, the Village Building Inspector shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Village Board of Trustees or its designee, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.

## **Section 5 OBSTRUCTIONS AND ENCROACHMENTS**

5.1 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 5.2 and 5.3.

5.2 Exceptions. The prohibition of subsection 5.1 shall not apply to the following:

5.21 Temporary encroachments or obstructions authorized by permit under Section 6.0 of this ordinance pursuant to sec. 66.0425, Wis. Stats.

5.22 Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half ( $\frac{1}{2}$ ) of the sidewalk or more than one-third ( $\frac{1}{3}$ ) of the traveled portion of the street and which do not interfere with the flow in the gutters.

5.23 Excavations and openings permitted under Section 3.0 and 4.0 of this ordinance.

5.3 Standards. Property owners may place certain fixtures on sidewalks which immediately adjoin their property if the following requirements are met:

5.31 The property must be located in an area used for commercial uses.

5.32 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.

5.33 The placement of the fixture shall not significantly impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than three (3) feet at any point.

5.4 Removal by Village for Sidewalk Obstructions and Encroachments. In addition to any other penalty imposed, if any Village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this section, he 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.

5.5 Removal by Village for Obstruction and Encroachments Located In the Village Streets, Alleys, Public Grounds or Lands Dedicated for Public Use. In addition to any other penalty imposed, if any Village enforcement official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he 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.

5.6 Failure to Remove Obstruction.

5.61 If the owner or occupant fails to remove the obstruction within the time period established in Section 5.4 or 5.5 respectively, any Village enforcement official 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 Village Building Inspector shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

5.62 The failure of the Village Building Inspector to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.



## **Section 6      STREET PRIVILEGE PERMIT**

6.1     When Required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village Building Inspector or for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this section and has obtained a building permit if required by the Village Zoning Ordinance. The Clerk may request advisory recommendations from a civil engineer prior to issuance of the permit. Village officials may attach conditions to the permit, including proof of liability insurance.

6.2     Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Building Inspector a bond in an amount determined by the Village Board of Trustees not exceeding Ten Thousand Dollars (\$10,000.00), conditioned that the applicant will indemnify and save harmless the Village from all liability. for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations. Upon request, the Village Board of Trustees may waive this requirement.

6.3     Fee. The fee for a street privilege permit shall be in the sum of Five Dollars (\$5.00), plus any actual Village costs.

6.4     Conditions of Occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Village Board of Trustees:

6.41    Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.

6.42    Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.

6.43    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.

6.44    The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Village Board of Trustees, shall continue during all hours of the day and night.

6.45 No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.

6.46 Buildings shall be moved only in accordance with the route prescribed by the Village Board of Trustees.

6.47 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.

6.48 Other terms and conditions required by sec. 66.0425, Wis. Stats.

6.5 Termination. All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village Building Inspector.

6.6 Removal by Village. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Village Board of Trustees to do so, it shall be the duty of the Village Board of Trustees to remove such obstruction and make return of the costs and expenses thereof to the Village Building Inspector 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.

## **Section 7 SNOW AND ICE REMOVAL**

7.1 Duty of Owner or Occupant. The owner, occupant, or person in charge of every building, lot or part of a lot within the Village fronting upon a public sidewalk shall remove all snow and ice from said sidewalk within twenty-four (24) hours from the time the snow ceases to fall. Corner lot property owners and property owners adjacent to a public crosswalk shall be responsible for the removal of snow and ice at all public sidewalks serving such areas. When ice is formed on the sidewalk so that it cannot be removed, it shall be kept sprinkled with ashes, salt, sand, or like material.

7.2 Removal by Village. If the owner or occupant of any lot abutting a sidewalk refuses and neglects to remove snow or ice from such sidewalk, the Village may clear the snow and ice on the sidewalk and return the costs and expenses thereof, as prescribed to the Village Building Inspector who shall enter such costs on the next annual tax roll as a special charge against the property abutting such sidewalk, and such sum shall be levied and collected as other special charges against real estate, as provided under sec. 66.0627, Wis. Stats. The Village shall give the owner or occupant twenty-four (24) hours written notice of a complaint, before removing snow or ice from any property.

## **Section 8      TERRACE AREAS**

8.1     Definition. The term “terrace” shall have the following meaning herein: the land between the street, curbing and sidewalk. Where there is no sidewalk, the area ten feet (10') from the private property line shall be deemed the terrace.

8.2     Noxious Weeds; Paving. All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board of Trustees or its designee. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.

8.3     Responsibility to Maintain. Every owner of land in the Village 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 ordinance. Every owner shall keep mailboxes located on a terrace free and clear of snow.

## **Section 9      VAULTS**

9.1     All vaults and cisterns under sidewalks shall be prohibited.

## **Section 10     REQUESTS FOR IMPROVEMENTS**

10.1    Requests or petitions by Village property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Village Board of Trustees on or before September 15th to be considered for installation in the following year.

## **Section 11     UNLAWFUL DUMPING ON STREETS**

11.1    It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner or occupant thereof.

## **Section 12     OBSTRUCTION OF PUBLIC DITCHES**

12.1    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.

## **Section 13     STREET NUMBERS**

13.1    Buildings to Have Street Numbers. Each principal building in the Village shall be assigned to an official street number by the Village Building Inspector. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Building Inspector. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

13.2    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 13.1 hereof. The physical numbers provided herein shall be not less than two and one-half (2 ½) 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.

13.3    Noncompliance. If the owner or occupant of any building neglects for twenty (20) days to duly attach and maintain the proper numbers on the building, the Village shall serve him 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 of not less than Twenty-five Dollars (\$25) nor more than Two Hundred Fifty Dollars (\$250) for each offense. A separate offense shall be deemed committed during each week or part thereof during which a violation occurs or continues.

## **Section 14     PENALTY**

14.1    Penalty for Violation. Except as provided in subsection 13.3 of this ordinance, the penalty for violation of any provisions of this Chapter shall be a forfeiture of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) for each offense. A separate offense shall be deemed committed during each day or part thereof during which a violation occurs or continues.

**Section 15 SEVERABILITY**

15.1 Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

ADOPTED: December 2, 2003

VILLAGE OF MT. CALVARY

Kenneth Mertens  
Village President

Attest:

Village Building Inspector