

CHAPTER VIII (EIGHT)

PUBLIC WAYS, PLACES AND PROPERTY

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8.01 GRADES.

(1) ESTABLISHMENT.

The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof has been established.

(2) REMOVAL OF FILLING MATERIAL PROHIBITED.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Bloomington by any means whatsoever unless authorized or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alteration.

(3) PENALTY.

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

8.02 BIDS ON IMPROVEMENTS.

(1) WHEN VILLAGE MAY REJECT AND PERFORM WORK.

See provision of Section 61.54, Wisconsin Statutes.

8.03 SIDEWALK CONSTRUCTION

(1) CONSTRUCTION GENERALLY.

Provisions of the Wisconsin Statutes concerning construction of sidewalks shall apply in regard to any and all construction and repair of sidewalks in the Village of Bloomington, Wisconsin.

(2) CONCRETE CONSTRUCTION.

All sidewalks hereafter built within the limits aforesaid shall be of air entrained concrete composed of six bags per cubic yard of one course construction, and built to the established line and grade as prescribed or approved by the Village Board or Walks and Public Property Committee.

(3) PERMIT REQUIRED.

No person shall lay, remove, replace or repair any public sidewalk within the Village until he has obtained a permit from the Village Board, and no sidewalk shall be built except in accordance with village specifications.

(4) OWNER TO CONSTRUCT.

If the abutting owner desires to build, repair or reconstruct any sidewalk along or upon any street, alley or highway in the Village, the Village may assume one-half of the expense of such repair or replacement. The owner prior to any repair or replacement must obtain a sidewalk construction permit and follow the village specifications for sidewalk construction.

(5) SIDEWALK CONSTRUCTION.

Whenever it is determined by the Village Board or the Committee on Walks and Public Property that a sidewalk within the Village is to be laid, built, repaired, lowered or raised along or upon any public street, alley or highway, the Village shall pay all costs of building or repairing any such sidewalk.

8.04 DRIVEWAYS.

(1) No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining the consent of the Director of Public Works and the Village Board.

(2) SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.

(a) No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Village Board.

(b) At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.

(c) 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 road side areas or with any existing structure on the right of way. When required by the Director of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

(3) PENALTY.

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

8.05 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(1) PERMIT REQUIRED.

No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Bloomington without first obtaining a permit therefor from the Director of Public Works.

(2) FEE.

The fee for a street opening permit shall be \$10.00 and shall be paid to the Village Clerk who shall issue his receipt therefor.

(3) BOND.

Before a permit for excavation or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5,000.00 conditioned that he will indemnify and save harmless the Village of Bloomington 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 Director of Public Works for a period of one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain-laying adopted by the Village Board, and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and for maintaining the same for one year.

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

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

(4) INSURANCE.

Prior to commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory written evidence that he has in force and will maintain during

the life of the permit and the period of excavation, public liability insurance of not less than \$100,000.00 for one person, \$300,000.00 for one accident and property damage insurance of not less than \$50,000.00.

(5) REGULATIONS GOVERNING STREET AND SIDEWALK OPENINGS.

(a) Frozen Ground.

No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.

(b) Removal of Paving.

In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.

(c) Protection of Public.

Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Director of Public Works, no trench shall be excavated more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

(d) Replacing Street Surface.

In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than 6 inches in depth and each layer rammed, tampered or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or

other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

(6) EXCAVATION IN NEW STREETS LIMITED.

Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said excavation work in such street within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of 5 years after the date of improvement or repaving unless in the opinion of the Director of Public Works an emergency exists which makes it absolutely essential that the permit be issued.

(7) EMERGENCY EXCAVATIONS AUTHORIZED.

In the event of an emergency and person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

(8) VILLAGE WORK EXCLUDED.

The provisions of this section shall not apply to excavation work under the direction of the Director of Public Works by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

(9) PENALTY. The penalty for violation of any provision of this section shall be a penalty as provided in section 15.04 of this code.

8.06 OBSTRUCTIONS AND ENCROACHMENTS.

(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 sub. (2).

(2) EXCEPTIONS.

The prohibition of sub. (1) shall not apply to the following: 1. Signs or clocks attached to buildings which project not more than 6 feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley. 2. Awnings hereinafter installed or repaired which do not extend below any point 7 feet above the

sidewalk, street or alley. 3. Public utility encroachments duly authorized by state law or the Village Board. 4. Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than 2 hours. 5. Temporary encroachments or obstructions authorized by permit under sub. (3). 6. Excavations and openings permitted under section 8.05.

(3) STREET PRIVILEGE PERMIT.

(a) 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 Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a permit from the Village Board.

(b) Bond.

No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Director of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Bloomington 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.

(c) Fee.

The fee for a street privilege permit shall be \$10.00.

(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 Director of Public Works for violation thereof:

1. Such temporary obstruction shall cover not more than 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 4 feet in width guarded by a closed fence at least 4 feet high on both sides may be maintained during the period of occupancy.

4. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Director of Public Works, shall continue during all hours of the day and night.
 5. 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. Buildings shall be moved only in accordance with the route prescribed by the Director of Public Works.
 7. 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 3 months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.

(4) REMOVAL OF BY THE VILLAGE.

In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate. (5) PENALTY. The penalty for violation of any of the provisions of this section shall be a penalty as provided in section 15.04 of this code.

8.07 SNOW AND ICE REMOVAL.

(1) RESPONSIBILITY OF OWNER, OCCUPANT, ETC.

The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Bloomington fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot as the case may be of snow or ice to the width of such sidewalk by 10:00 a.m. of each day and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust or sand; provided also, that in case snow shall continue to fall during and after 10:00 a.m., then it shall be removed within 3 hours of daylight after it shall cease to fall.

(2) PENALTY.

The penalty for violation of any provision of this section shall be a penalty as provided in section 15.04 of this code. A separate offense shall be deemed committed during each hour or part thereof during which a violation occurs or continues.

8.08 RUBBISH, OBSTRUCTIONS AND IMPROPER USE.

(1) REFUSE ON STREETS AND SIDEWALKS.

No person shall for any cause or purpose, deposit, throw or scatter or shall suffer, permit or allow the accumulation of straw, sticks, stones, grass, wood, leaves, paper, iron, tin, wire, nails, glass, or other rubbish, or waste material in, upon or along any street, alley, sidewalk, or in any gutter of any street in the Village of Bloomington.

(2) BUILDING MATERIAL ON STREETS, SIDEWALKS.

No person shall encumber or obstruct any public street, alley, sidewalk or public ground in the Village of Bloomington, by placing or leaving thereon any merchandise, stone, timber, lumber, plank, boards, firewood, boxes, barrels, ashes, manure, or any substance or material whatever, or permit such encumbrance or obstruction to be placed adjoining premises of which he is the owner or occupant or over which he exercises control; provided, that the Village President may grant permission to builders to use such portions of any street for the purpose of building as he may deem reasonable.

(3) REMOVAL BY VILLAGE.

In case any person shall neglect or refuse to remove any obstruction or encumbrance from any street, alley or sidewalk upon which his premises abut, within a reasonable time after notice to remove the same was given by the Chief of Police, it shall be the duty of the Director of Public Works to remove the same at the expense of the Village, and the cost thereof may be recovered from such person in an action by the Village.

(4) OPEN GRATINGS.

No person shall keep or leave open any grating or other opening or aperture in any sidewalk, unless the same is protected by a substantial railing built of suitable material and in a good workmanlike manner.

(5) DRIVING VEHICLES ON SIDEWALKS OR IN PUBLIC PARKS.

No person shall ride or drive any motorcycle, horse, automobile or other vehicle of any kind or description, on any sidewalk or in any public park or playground of the Village of Bloomington; and any person violating any of the provisions of this section shall forfeit for each offense not more than One Hundred (\$100.00) Dollars together with the costs of prosecution; and in default of payment thereof, shall be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed ten (10) days.

(6) VEHICLES AND LUGS PROHIBITED.

No person shall drive or haul any tractor or other vehicle having lugs, spikes or other projections on the wheels thereof, over any of the streets of the Village of Bloomington, which have been surfaced with crushed rock, gravel, macadam, concrete, asphalt or other

hard surfacing material, and no tractor, truck or other vehicle which, together with load thereon, shall exceed the gross weight of eleven tons shall be driven or hauled on or over streets in the Village of Bloomington which are surfaced with concrete or asphalt, except those streets designated by the Village Board.

(7) **PLAYING IN STREETS.**

No person shall engage in any sport or exercise whereby any passenger or traveler upon any street or public walk within the Village may be impeded or endangered.

(8) **COASTER, ROLLER SKATES, ETC. ON STREETS.**

It shall be unlawful for any person upon roller skates or riding in or on a roller coaster, toy vehicle, hand sled, toboggan or similar device to go upon any roadway except while crossing a roadway at crosswalk, excepting upon a roadway or portion thereof designated by the Village Board for such purposes and so marked and set-off.

(9) **PENALTY.**

The penalty for violation of any provision of this section shall be a penalty as provided in subsection 15.04 of this code. A separate offense shall be deemed committed during each hour or part thereof during which a violation occurs or continues if appropriate.

8.09 TREE AND WEED REGULATIONS.

(1) Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than fourteen (14) feet and a clearance of not less than ten (10) feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous.

(2) Any tree or part thereof, whether alive or dead, which the Director of Public Works shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Director of Public Works shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Director of Public Works on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Director of Public Works shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Treasurer who shall thereupon enter such cost as a special charge against the property.

- (3) That no person shall permit the pollination of any noxious weeds as defined under section 94.20 of the Wisconsin Statutes. Notices shall be posted by the Village President, or someone in his behalf, and published in a newspaper with general circulation in the Village of Bloomington for the destruction of such noxious weeds as provided in section 94.20.
- (4) That no person shall permit weeds or grass to grow to an average height of more than twelve (12) inches in the residential or business districts of the Village. The Village President or someone in his behalf, shall give a 10 day written notice to the owner or occupant of said premises that such weeds and grass have obtained a height of twelve (12) inches and should be cut forthwith. If such owner or occupant fails to cut such grass and weeds, the Village President may order Village employees to enter upon said premises and cut such grass and weeds and may collect the expense thereof by a special assessment against the owner of said premises.