

## Chapter 82 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\*

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**\*Cross references:** The establishment of grades, curblines and widths of sidewalks in the public streets and alleys saved from repeal, § 1-10(2); the lighting of streets and alleys saved from repeal, § 1-10(5); the naming and changing of names of streets, alleys, public grounds and parks saved from repeal, § 1-10(7); construction of any public works saved from repeal, § 1-10(12); consumption or possession of intoxicants on streets, § 6-94; buildings and building regulations, ch. 14; moving buildings, § 14-171 et seq.; cemeteries, ch. 22; library, ch. 50; mobile homes, ch. 54; parks and recreation, ch. 62; planning, ch. 66; subdivisions, ch. 86; traffic and vehicles, ch. 94; utilities, ch. 98; vegetation, ch. 102; zoning, ch. 106.

**State law references:** Authority regarding streets and sidewalks generally, Wis. Stats. §§ 62.16, 66.615.

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## ARTICLE I. IN GENERAL

### Sec. 82-1. Board of public works, rules and regulations.

In addition to the rules and regulations contained in this chapter for the construction, use and repair of streets, alleys, sidewalks and public places, the board of public works may prepare, promulgate and enforce such other rules, regulations and conditions, not inconsistent with this chapter, as may be deemed useful for the preservation of streets, alleys, sidewalks and public places.

(Code 1983, § 8.01)

**Cross references:** Administration, ch. 2.

**State law references:** Board of public works generally, Wis. Stats. § 62.14; public works, contracts, bids generally, Wis. Stats. § 66.29.

### **Sec. 82-2. Grades.**

The city engineer shall establish the grades of all streets and alleys in the city, and such grades shall be recorded in the office of the city clerk/treasurer. No street or alley shall be worked until its grade is established, described and recorded in the clerk/treasurer's office.

(Code 1983, § 8.02(1))

### **Sec. 82-3. Construction and repair.**

All streets and alleys in the city shall be constructed, improved and repaired by the city or under contract with the city, except streets and alleys in new subdivisions. All streets and alleys in new subdivisions shall be installed as prescribed by city specifications at the cost of the developer. Street grades shall be inspected prior to the city accepting the roadway. The city shall designate the inspector.

(Code 1983, § 8.02(2); Ord. No. OR94-06, § I, 9-12-1994; Ord. No. OR98-02, § I(8.02(2)), 1-12-1998; Ord. No. OR00-08, § I, 4-24-2000)

### **Sec. 82-4. Curbs and gutters.**

Curbs and gutters shall be installed along any street upon order of the city council according to city specifications. The city will determine whether curbs and gutters in new subdivisions will be installed and paid for by the developer or installed by the city and assessed to the property owner pursuant to Wis. Stats. § 66.60.

(Code 1983, § 8.02(3); Ord. No. OR94-06, § I, 9-12-1994)

### **Sec. 82-5. 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 subsection (b).
- (b) *Exceptions.* The prohibition of subsection (a) shall not apply to the following:
  - (1) Signs and clocks attached to buildings that project not more than six feet from the face of such building and that do not extend below any point ten feet above the sidewalk, street or alley.
  - (2) Awnings that do not extend below any point seven feet above the sidewalk, street or alley.
  - (3) Public utility encroachments authorized by the city.

- (4) Goods, wares, merchandise or fixtures being loaded or unloaded that do not extend more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.
  - (5) Building materials when placed upon a street, alley or sidewalk upon conditions prescribed by the public works director. He may require such materials to be protected by barricades or appropriate lights.
  - (6) Temporary encroachments or obstructions authorized by street privilege permit under section 82-7 pursuant to Wis. Stats. § 66.045.
  - (7) Excavations and openings permitted under section 82-6.
  - (8) Temporary obstructions authorized by permit.
- (c) *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 24 hours.
- (d) *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 chief of police, director of public works or building inspector determines that a city 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 areas directing that the obstruction be removed within 24 hours.
- (e) *Failure to remove obstruction.*
- (1) If the owner or occupant fails to remove the obstruction within the time period established in subsection (c) or (d) of this section, 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 calendar days from receipt thereof. Within 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's expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.

(Code 1983, § 8.06)

**State law references:** Privileges in streets generally, Wis. Stats. § 66.045.

## **Sec. 82-6. Excavations.**

- (a) *Permit required.* No person shall open or excavate in any street, alley, sidewalk or other place in the city without first obtaining a written permit from the city clerk/treasurer or the director of public works. The permit fee shall be \$25.00.
- (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 or director of public works, 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 or director of public works shall determine if sufficient information is submitted.
- (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 a 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 30 days from the date of approval.
- (e) *Renewal of permit.* If operations have begun under an approved permit and will continue beyond the 30-day validation period, the permittee shall apply for a 30-day permit renewal by written request to the city clerk/treasurer or director of public works. Permit renewals shall be issued at the discretion of the city clerk/treasurer or director of public works.
- (f) *City standards.* All street work shall be performed in accordance with the current standard specifications for street openings. Any damaged curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- (g) *Insurance required.* A permit shall be issued only upon condition that the applicant submit to the city clerk/treasurer or 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.
- (h) *Bond.*
  - (1) The city clerk/treasurer or director of public works may require a bond.
  - (2) 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 city a bond in such an amount that the bond shall be equal to 50 percent of the anticipated improvement cost, conditioned that he will indemnify and save harmless the city 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 or forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying 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 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.

- (3) 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 in this section and in the amount determined by the director of public works as necessary to adequately protect the public and the city.
  - (4) 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-year revocation of the right to obtain a street opening permit. The director of public works shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus 20 percent for administration.
  - (5) The person who does such restoration shall be responsible therefor for one 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 director of public works.
  - (6) Whenever the common council shall find that any such work has become defective within one 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 the 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 the notice.
- (i) *Public utilities.* All public utilities as defined in Wis. Stats. §§ 66.06 and 196.01 are required to be bound by the terms and conditions of this section, except that a public utility as defined within the section shall not be required to post the indemnity bond.
  - (j) *Duty to restore.* Street excavations shall not be larger and left open longer than the necessity of the work demands. The backfilling below the top surface of the street shall be done with sand and gravel, firmly tamped in the presence of or under the supervision of the city. All earth, stone or other material shall be hauled away by the person authorized to make the excavation; and the pavement or top surface of the street shall be replaced as it was prior to the excavation.
  - (k) *City may restore.* If any person shall neglect to repair or restore to its former condition any street, alley or sidewalk excavated, altered or taken up, within the time and in the manner directed by the board of public works, the board shall cause the work to be done at the expense of such person. The expense thereof, when chargeable to a lot owner, if not covered by a bond, shall be certified to the city clerk/treasurer by the board, and if not paid shall be carried into the tax roll as a special tax against the lot.

(Code 1983, § 8.05)

**Sec. 82-7. 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 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 section and has obtained a building permit if required by this Code. The director of public works may request advisory recommendations from the chief of police 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 shall be issued until the applicant shall execute and file with the city clerk/treasurer a bond not exceeding \$10,000.00, conditioned that the applicant will indemnify and save harmless the city from all liability for accidents or damage caused by reason of operations under the 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 \$25.00, 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 building inspector, chief of police or director of public works for violation thereof:
  - (1) Such temporary obstruction shall cover not more than one-third 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 feet in width guarded by a closed fence at least four 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

months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the common council.

- (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 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 references:** Privileges in streets generally, Wis. Stats. § 66.045.

### **Sec. 82-8. Terrace areas.**

- (a) *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. Basketball backstops, statuary, structures, flag poles, trees or newspaper boxes, (unless converted to a mailbox) other objects shall not be placed in the terrace area.
- (b) *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.

### **Sec. 82-9. Street numbers.**

- (a) *Buildings to have street numbers.* Each principal building in the city shall be assigned an official street number by the building inspector. 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 in this section.
- (b) *Numbering of buildings.*
- (1) *Baselines.* The abandoned railroad bed shall constitute the baseline for numbering all streets running north and south. Main Street shall constitute the baseline for numbering all streets running east and west.
- (2) *System of numbering.*
- a. The numbers along each street shall be extended upon the basis of one number for each 20 feet of property frontage, commencing at its baseline with the number 100, including a direction prefix, i.e., North or South, and continuing with consecutive hundreds at each intersection wherever possible, with even numbers assigned to the north and east sides of the streets and odd numbers assigned to the south and west sides.

- b. A street not extending to its baseline shall be assigned the same relative numbers as if it were so extended.
- (3) *Multiple numbering.*
- a. If a building has two or more doors serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, provided the building is not less than 20 feet in width; and if the building is of lesser width, each door after the first shall be assigned a consecutive fractional number.
  - b. A building fronting on two or more streets, shall have a number assigned only to its main entrance, unless entrances serve separate occupants.
  - c. Where only one number can be assigned to any house or building, the owner, occupant or agent thereof who shall desire distinctive numbers for the upper and lower portion of the house or building, or for any part thereof fronting on any street, shall use the suffix "A", "B", "C", etc., as may be required.
- (c) *Display.* The numbers shall be uniform throughout the city, with the numbers being at least six inches by 1.5 inches or greater and reflective. Numbers shall be placed so that they are visible from across the street, such as on the front of the garage, two inches to the side of the front door or below a front porch light. No other areas are acceptable. Decorative numbers may be placed on any part of the building, but will not be a substitute for this requirement. All numbers should be clearly visible at any time of day or night.
- (d) *New houses and buildings.* Whenever any new house, building or structure shall be erected, in order to preserve the continuity and uniformity of numbers, the owner or his agent shall obtain the correct number or numbers as designated, from the building inspector, and the owner or agent shall immediately install numbers so assigned upon the house, building or structure in the manner provided for in this section.
- (e) *Altering numbers.* No person shall alter any number or retain an improper number, other than the one given under this section.
- (f) *Noncompliance.* No building permit shall be issued for any house, building or structure until the owner has obtained from the city the official number of the premises. If the owner or occupant of any building neglects for 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 days after service, he shall be subject to a forfeiture as provided in section 1-17.

### **Sec. 82-10. Requests 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 15 to be considered for installation in the following year.

### **Sec. 82-11. 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 or occupant thereof.

### **Sec. 82-12. 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.

Secs. 82-13--82-32. Reserved.

## **ARTICLE II. SIDEWALKS\***

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**\*State law references:** Sidewalks generally, Wis. Stats. § 66.615.

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### **Sec. 82-33. Snow and ice removal.**

- (a) The owner or occupant of any lot abutting a sidewalk in the city shall keep the sidewalk clear of snow and ice at all times at his expense. Snow removed from private property, including driveways, parking lots, alleyways, etc., shall not be placed on the street or road right-of-way.
- (b) Any person failing to remove either snow or ice from the sidewalk within 24 hours after a snowfall or sleet storm shall be subject to a forfeiture as provided in section 1-17, and the city shall have such sidewalk cleared of snow or ice and the expense thereof levied as a special tax against the property, collected as are other taxes. The expense of such snow and ice removal shall be charged at a rate as determined by the city affairs committee each year.
- (c) Except as provided in this section, no person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the city; provided; however, that the person depositing such snow shall, within one hour thereafter, cause the same to be removed from such street.
- (d) The deposit of any snow or ice upon any sidewalk, alley or street of the city contrary to the provisions of this section shall be and is declared to be a nuisance, and in addition to the penalty provided for violation of this section, the city may similarly remove any snow or ice so deposited and cause the cost of removal to be charged to the owner or

occupant of the property from which the snow or ice has been removed.

(Code 1983, § 8.07; Ord. No. 409, § I, 12-27-1983)

**Sec. 82-34. Construction and repair.**

- (a) No person, whether owner, builder or contractor, shall build any new sidewalks or repair or renew or cause to be built, repaired or renewed any existing sidewalk contrary to the provisions of this article unless by petition to the council and having permission granted by the council, or upon the council's own motion, or where such a change in the specifications set forth in this article shall be deemed in the best interest of the city.
- (b) The common council may determine that sidewalks be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks pursuant to this section.
- (c) Existing sidewalks that are required and reconstructed shall be paid for 100 percent by the abutting property owner, except as otherwise provided in the city's then existing policy or policies regarding the same.

(Ord. No. OR94-06, § I(8.04(1)(a)), 9-12-1994; Ord. No. OR01-01, § I, 2-27-2001)

**Sec. 82-35. New subdivisions.**

- (a) Sidewalks in new subdivisions required by the subdivisions ordinance of the city shall either be installed and paid for by the developer or installed by the city and assessed to the property owner pursuant to Wis. Stats. § 66.60, as determined by the council.
- (b) Sidewalks shall be installed in subdivisions which are 75 percent developed provided the sidewalks act as a continuous link to other sidewalks abutting the subdivision. A separation of sidewalks by a traveled portion of the street shall not be deemed a barrier to the continuity of a sidewalk for purposes of this subdivision. If a subdivision is less than 75 percent developed, sidewalks may be installed upon petition of 50 percent of the owners.

(Ord. No. OR94-06, § I(8.04(1)(b)), 9-12-1994)

**Sec. 82-36. Sidewalks in cul-de-sacs.**

Sidewalks shall not be required in permanent cul-de-sacs prior to 1983 the effective date of the ordinance from which this section is derived unless the property owners wish that sidewalks be installed in the area abutting their property. Cul-de-sacs in new subdivisions shall be required to have sidewalks installed to the specifications provided in section 82-35(b).

(Code 1983, § 8.04(1); Ord. No. OR94-06, § I(8.04(1)(c)), 9-12-1994)

**Sec. 82-37. Grade and width.**

- (a) *On Main Street.*
  - (1) Every sidewalk constructed or replaced after the effective date of the ordinance

from which this section is derived on Main Street between the south boundary lines of Park Avenue and West Water Street shall have a grade equal to the grade of the adjacent curb.

- (2) All other sidewalks constructed or replaced after the effective date of the ordinance from which this section is derived on Main Street shall have a grade one inch higher than the abutting curb on the curb side of the sidewalk and pitched one-fourth-inch minimum to one-half-inch maximum for each foot of sidewalk. All such sidewalks shall be constructed eight inches from the abutting lot line.
- (b) *On other streets.* Every newly constructed sidewalk or sidewalk that is in need of complete replacement constructed or replaced on all city streets, other than Main Street, shall have a width of 4 1/2 feet and shall have a grade one inch higher than the adjacent curb on the curb side of the sidewalk and pitched one-fourth inch minimum to one-half inch maximum for each foot of sidewalk. All such sidewalks shall be constructed eight inches from the adjacent lot line. In the case of a laydown (rollover) type curb, the pitch shall be one-half inch per foot from the curb in the parkway to the sidewalk with a three-inch minimum. For existing substandard sidewalks which are in need of replacement sections, the sections may be replaced at the substandard width; however, if installed at the substandard width the property owner will not be eligible for the sidewalk credit if an upgrade or reconstruction of the road right-of-way would occur. Only sidewalk that has been installed according to the aforementioned specifications will be eligible for sidewalk credit. The construction of all sidewalks shall be in accordance with plans and specifications approved by the city engineer. In addition, wider-than-standard sidewalks may be required by the common council in the vicinity of schools, commercial areas (Main Street) and other places of public assemblage, and the common council may require the construction of sidewalks in locations other than required for safe and adequate pedestrian circulation.
- (c) *Exceptions.* Notwithstanding any of the foregoing, wider than standard sidewalks may be required by the common council in the vicinity of schools, commercial areas (which includes all of Main Street) and other places of public assemblage, and the common council may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.

(Code 1983, § 8.04(2); Ord. No. OR98-17, § I, 7-13-1998; Ord. No. OR01-01, § I, 2-27-2001)

### **Sec. 82-38. Specifications.**

- (a) *General.* Concrete sidewalk construction shall meet the specifications and provisions set forth in this article and shall be constructed in locations and to line and grade as established by the city.
- (b) *Subgrade.* Subgrade shall be three inches of sand fill, thoroughly and uniformly compacted and brought to correct grade. Soft, porous 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. On embankments, the subgrade shall extend at least

one foot beyond edge of the sidewalk.

- (c) *Material.* All sidewalks constructed or replaced shall be built of concrete to a thickness of not less than four inches.
- (d) *Concrete.* The minimum quantity of cement per cubic yard shall be six sacks of 94 pounds each. Concrete shall be mixed for at least one minute. Gravel shall be of good quality and washed.
- (e) *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 floats. 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 24 hours after pour.
- (f) *Jointing, floating and finishing.* Soon after screeding 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 curbline, a one-half inch expansion joint shall be placed. Transverse expansion joints of one-half inch thick and four inches wide and five feet long of premolded material shall be located every 30 feet. Sidewalks must be marked off to make blocks five 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 by four inch expansion joints of premolded material.
- (g) *Slope.* All forms must be approved by the director of public works or his designee before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-half inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a one-foot strip of street property left between the property line and the edge of the sidewalk.
- (h) *Incline.* All sidewalks constructed or replaced shall have an incline towards the abutting lot of not less than one-fourth inch per foot and not more than one-half per foot.
- (i) *Width and thickness.* New residential walks shall be 4 1/2 feet in width and not less than four inches thick, except within driveway approaches where the minimum thickness shall be six inches, provided that walks in residential areas may be repaired or replaced to a width not less than the existing width. Replacement sidewalks shall have a width the same as the previous sidewalk. Such sidewalks shall have a grade one inch higher than the adjacent curb on the curb side of the sidewalk. All such sidewalks shall be constructed eight inches from the adjacent lot line. In the case of a laydown type curb, the pitch shall be one-half inch per foot from the curb in the parkway to the sidewalk with a three-inch minimum. Except as otherwise required, sidewalks in front of commercial or industrial establishments shall have a width as determined by the common council and be five inches thick, except within driveway approaches where the

minimum thickness shall be seven inches.

- (j) *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 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 48 hours and in cold weather (below 50 degrees Fahrenheit) for 96 hours.
- (k) *Curing and drying.* As soon as any of the concrete work mentioned in 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 Spec. C156-44T, Method of Test for Efficiency of Materials for Curing Concrete, shall be used. Such specifications are adopted by reference as if fully set forth in this section.
- (l) *Cold weather requirements.* When the temperature is less than 40 degrees Fahrenheit, all concrete placed in the form shall have a temperature between 50 degrees Fahrenheit and 70 degrees Fahrenheit and shall meet the requirements as per the state department of transportation specifications for cold weather concrete.
- (m) *Minor repairs.* Nothing in this section shall apply to minor repairs, the cost of which does not exceed \$500.00; such repairs may be made at the direction of the director of public works without notice, and the cost thereof may be charged to the abutting property owner in the same manner as provided in this section for major repairs.
- (m) *Defective construction prohibited.* Any sidewalk laid or in violation of this section shall be prohibited and the owner of the premises required to remove the same at once; otherwise, the city shall cause the sidewalk to be removed at the owner's expense.

(Code 1983, § 8.04(2))

### **Sec. 82-39. When repair required.**

Sidewalks are considered to be in need of repair if any of the following conditions are present:

- (1) Reconstruction will be required if the vertical displacement of a crack or joint is equal to or exceeds one inch in height or constitutes a hazard to the users as determined by the city affairs committee or its representative.
- (2) Open cracks in sidewalks of one-half inch or more measured at its widest point will require reconstruction under the direction of the city affairs committee or its representative.
- (3) Surface deterioration in excess of 50 percent of the surface of each individual block will require reconstruction under the direction of the public works director.

- (4) If trees in the terraces of owners property are creating the sidewalk problem the tree should be modified or removed to bring the sidewalk into compliance with code. Any modification of the tree shall be under the direction of the city affairs committee or its representative.
- (5) Full costs associated with any sidewalk or tree work shall be the responsibility of the property owner.
- (6) All sections of Wis. Stats. § 66.615 shall apply to this section.

(Ord. No. OR92-10, § I(8.04(3)), 11-9-1992)

**Sec. 82-40. Illegal sidewalks.**

No sidewalk which shall be constructed contrary to the provisions of this article 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 article, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

**Sec. 82-41. 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 Wis. Stats. § 66.60(16), or such cost may be recovered in an action against the owner or occupant.