

CHAPTER 8

PUBLIC WORKS

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8.01 STREET AND SIDEWALK GRADES.

(1) ESTABLISHMENT. The grade of all streets, alleys and sidewalks shall be established by the Village Board and shall be recorded by the Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.

(2) ALTERING GRADE PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof unless authorized or instructed to do so by the Village Board.

8.02 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(1) PERMIT REQUIRED PRIOR TO WORK. No person shall, without first obtaining a permit from the Director of Public Works ("Director"), make any opening in any street, alley, sidewalk, bike path or any other public way within the Village.

(a) No paved surface shall be opened until the timing of the opening and methods for protection of the public during the opening have been approved by the Director.

(b) No permit shall be granted when the ground is frozen unless the Director of Public Works determines such opening is necessary.

(c) No permit shall be granted to anyone who owes penalties to the Village under section 8.02(12).

(d) Pavement cuts or excavations are prohibited in any Village street for five (5) years after paving unless the work is an emergency to protect public safety or property and is approved by the Director.

(2) APPLICATION. Application for a permit shall be made on a form supplied by the Director of Public Works. The application shall be accompanied by a signed agreement to save the Village harmless from any liability arising from the work or activity covered by the permit, the fee provided in subsection (3) below and a written description of the work, including a sketch designating the trench location.

PUBLIC WORKS 8.02(2)(a)

(a) Work by independent contractors. Where the construction work will be performed by independent contractors for the permit holder, the applicant shall provide the information required here for each contractor and each contractor shall be required to post the bond and obtain the insurance coverage in subsections (4) and (5).

(b) Waiver of bond requirement. The Director has the discretion to waive the bond requirement under section (4) in circumstances in which a permit holder seeks to add work to a project for which a permit has already been issued and in which the cost of the work is \$5,000 or less. However, an application explaining the scope of the additional work shall be filed. A waiver of the bond requirement must be approved by the Director, in writing prior to the filing of the application.

(c) Reduction modification or waiver of fees, bond, or insurance requirements.

1. The Director may, in his discretion, reduce, modify or waive the bond, or insurance requirements of this section where the cost of the work to be performed under the permit \$5,000 or less.

2. The Director may, in his discretion, reduce, modify or waive the permit fee, bond or insurance requirements of this section in circumstances where a permit holder seeks to add work to a project for which a permit has already been issued and in which the cost of the additional work is \$50,000 or less.

3. An application shall be filed before the start of any work, including any additional work on a project for which a permit has been issued, regardless of whether the Director has reduced, modified or waived the permit fee, bond or insurance requirements.

(3) FEE. The permit fee shall be \$100.

(4) BOND REQUIRED. Before an excavation permit is issued, the applicant shall give a bond in the sum of \$5,000.00 with good and sufficient surety to be approved by the Village Attorney conditioned, among other things, that said applicant will save and indemnify the Village for all judgments, costs and expenses which may in any way accrue against the Village and save the Village harmless

PUBLIC WORKS 8.02(4)

against all liabilities, judgments, costs and expenses in consequence of granting such permit, including the restoration of any pavement and maintenance thereof for one year. An annual bond may be given covering all excavation work done by the principal which shall be conditioned as specified above in an amount determined by the Village Attorney to adequately protect the Village for work anticipated to be performed by the principal during that year.

(5) **INSURANCE.** Any person, including a contractor or subcontractor of another person, performing any work governed by this section shall obtain insurance coverage and maintain that coverage until completion of all work on the project for which the permit is issued. No work under a permit issued under this section shall be started until a certificate of insurance has been filed with the Director.

(a) Before starting any work, the permit holder or its contractors or subcontractors, whichever will be performing the actual construction work, shall provide a certificate of insurance showing that it has insurance in force which meets the minimum requirements of this section and that the insurance coverage will be maintained throughout the term of the project. If the person is self-insured for any of these coverages, documentation evidencing self-funding satisfactory to the Village shall be submitted to the Director.

(b) **Minimum Coverage Limits.** The permit holder or its contractors or subcontractors shall obtain and maintain the following minimum insurance coverage during the term of the project.

1. Workers compensation insurance as required by Wisconsin law;
2. Commercial General Liability Insurance
\$1,000,000 per occurrence
3. \$2,000,000 General Annual Aggregate (GAL). The GAL shall apply separately to each project for which a permit has been issued
4. Automobile Liability
\$1,000,000 per occurrence

The policy must include coverage for liability arising out of all owned, leased, hired and non- owned automobiles.

PUBLIC WORKS 8.02(5)(c)

(c) Terms of insurance. The certificate of insurance shall expressly confirm that the insurance policies issued to the permit holder or its contractors or subcontractors include the following provisions.

1. The Village of West Baraboo and its employees are named as Additional Insureds.

2. The insurance carrier shall notify the Village of cancellation, non-renewal and/or any material change in the policy at least 30 days prior to the effective date of the cancellation, non-renewal or amendment. The notice shall be sent to the Director by certified mail, return receipt requested.

3. The certificate shall identify the project or projects to which the insurance applies.

(d) If the initial insurance expires before completion of the work, renewal certificates shall be furnished to the by the date of expiration.

(6) REQUIREMENTS FOR THE PROTECTION OF THE PUBLIC. Every permit holder shall enclose each opening which he may make in the streets or public ways of the Village with barricades and barricade lights adequate to warn the traveling public during the period the excavation is open and until the street or sidewalk is restored and made passable for vehicular and pedestrian traffic. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permit holder his agents or employees. Except by written permission from the Director, no trench shall be excavated more than 250 feet in advance of pipe neither laying nor left unfilled more than 500 feet where pipe has been laid. 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.

(7) EXCAVATION, REFILLING AND REPAVING REQUIREMENTS. The permit holder shall comply with all Public Works Committee rules and regulations governing excavation, refilling and repaving. The permit holder shall make a determination whether or not sheathing and bracing shall be required. No trench shall be refilled until the Director of Public Works has been given 2 hours notice.

(8) PLUMBING PERMIT REQUIRED. See sec. 15.04 of this Code.

(9) EMERGENCY EXCAVATIONS AUTHORIZED. In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate property emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided that such person shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit.

(10) VILLAGE WORK EXCLUDED. The provisions of this section shall not apply to excavation work done under the supervisions of the Director of Public Works by Village employees or contractors performing work under contract with the Village necessitating excavations in Village streets.

(11) DAMAGES AND PENALTIES

(a) Penalty for Failure to Obtain Permit before Construction. In place of penalties provided for in section 8.09, the penalty for starting work governed by this section before obtaining a permit or, where authorized, other permission from the Director, shall be \$500 for the first offense. The penalty for each additional violation within a five-year period shall be \$1,000.

(b) Damages, costs or expenses owed by any person to the Village under this section shall be paid within 30 days of written notice by the Village. If any amounts are not paid timely, the Village shall have the right to receive such payment from the bond or insurance, as applicable, provided under this section.

8.03 OBSTRUCTIONS AND ENCROACHMENTS.

(1) 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) below.

(2) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:

(a) Public utility encroachments duly authorized by State law or the Village Board.

(b) Temporary encroachments or obstructions authorized by permit granted pursuant to S. 66.0425, Wis. Stats. (Modified 9-8-2011)

(c) Excavations and openings permitted under sec. 8.02 of this chapter.

(d) Issuing of Parking Permits to Contractors and Owners for Construction Purposes.

1. Upon application of any contractor or property owner engaged in a construction project at the owner's premises which abut a Village right-of-way, sidewalk, street, or other public way, the Director of Public Works or Board President may issue a special parking permit to the contractor or owner allowing the parking of a vehicle or trailer, or the placement of materials reasonably necessary to the work of construction upon the sidewalk, right-of-way, street, or other public way for a period not exceeding the estimated time required to complete the construction project, provided that no special permit shall be valid for more than 30 days, at which time it may be renewed by the Public Works Director. For the purposes of this subsection, the contractor or owner shall be the holder of and responsible for the use and misuse of the special permit.

2. Whenever a special permit is issued to a contractor or owner under this subsection, said contractor or owner, at their own cost, shall erect such temporary sign or signs, fences, barriers, or other devices deemed reasonably necessary by the Director of Public Works designating and giving warning of the space temporarily assigned to the contractor or owner.

3. In determining whether to issue a special permit under this subsection, the Director of Public Works may consult with the Village Engineer and the Village Building Inspector and shall consider traffic conditions, traffic safety, safety of pedestrians, the burden on other nearby

premises or businesses, and the need of the contractor or owner for the special place.

4. A permit fee shall be charged to the contractor or owner in the amount of \$5.00 per day or the amount established by separate resolution of the Board pursuant to these ordinances, whichever is greater.

8.04 SNOW AND ICE REMOVAL.

(1) The deposit of any snow or ice upon any sidewalk, alley or street of the Village contrary to the provisions of this section shall be and is declared to be a nuisance. The owner or lessee of every lot or parcel of land in the Village in front of or abutting upon a sidewalk shall clear the entire width of such sidewalk of snow and ice within 12 hours after such snow or ice has accumulated thereon. The owner or lessee of a lot or parcel abutting sidewalks on two intersecting streets shall remove all snow and ice from the sidewalks of both streets, including that portion of the sidewalks bordering the crosswalk, including the entire curb ramp, if any, through the snow plow line to the cleared street, regardless of the source of the snow or ice accumulation. In the event snow or ice shall become frozen so hard it cannot practically be removed, the owner or lessee shall sprinkle the sidewalk with sand, salt, sawdust or other suitable material, and shall clean such sidewalk as soon as weather permits. Any person violating this subsection shall be subject to a forfeiture as provided in Section 25.04 of the Village Code. Each day any violation of this subsection continues shall constitute a separate offense.

(2) 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 Village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.

(3) In the event the owner or lessee of any lot or parcel of land fails to comply with or violates the provisions of sub (1) above, or violates sub (2) above, the Director of Public Works, or his designee, may summarily remove such snow and/or ice and cause the cost of said removal to be charged to the owner of the property from which said snow and/or ice has been remove. If the charge is not paid within 30 days of the date of billing, an additional administrative charge of 10% of the charge shall be added to the amount due, plus interest shall accrue thereon at the rate of 1% per month until paid, and such charge shall be extended upon the current or next tax roll as a charge for current services as provided in section 66.0627, Wis. Stats.

(4) Prosecution under sub (1) or sub (2) above, shall not bar the Village from proceeding under sub (3) above, nor shall proceeding under sub (3) above bar prosecution under sub (1) or sub (2) above.

8.05 SALE OR DISPLAY OF MERCHANDISE PROHIBITED. Except for sales permitted by Statute or other sections of this Code, no person shall display, sell, or offer to sell, on any street, sidewalk, alley or other public place within the Village, anything of value or service of any kind, except in connection with a Village-wide enterprise or promotion of community trade.

8.06 PUBLIC IMPROVEMENTS AND ASSESSMENTS.

(1) GENERAL APPLICATION.

(a) The installation of any public improvement shall be an exercise of the police power of the Village as may from time to time be determined by the Village Board and the property served shall be assessed pursuant to the provisions of Sections 66.60 and 66.62, Wis. Stats.

(b) The total cost of any public improvement to be paid in whole or in part by special assessment shall include the direct and indirect costs reasonably attributable thereto including, but not limited to, materials, supplies, labor, equipment, site preparation and restoration, damages occasioned by the public improvement, interest on bonds or notes issued in anticipation of the collection of assessments, and a reasonable charge for engineering, legal and administrative costs.

(c) The assessment for any public improvement shall be based upon the total cost, as defined in par. (b) above, and shall be apportioned among the individual parcels benefited. Such apportionment shall generally be computed on a lineal frontage basis unless the Village Board otherwise determines that extenuating circumstances require a different method of assessment.

(2) STREETS.

(a) Streets shall be constructed in accordance with specifications established by the Public Works Committee.

(b) The grading and the laying of the gravel and stone subgrade for all new Village approved streets hereinafter constructed shall either be constructed by the developer in accordance with paragraph (a) above, or shall be constructed by the Village and 100% of the cost thereof levied against the benefiting property. The cost of blacktop surfacing of new streets and resurfacing existing streets shall be borne by the Village.

(3) CURB AND GUTTER.

(a) Curb and gutter shall be installed by the Village in accordance with specifications established by the Public Works Committee.

(b) Special assessment for all new curb and gutter shall be levied at 100% of the total cost and replacement curb and gutter shall be levied at 50% of the total cost.

(4) SIDEWALKS.

(a) The sidewalk shall be located in such places and at such grades as designated by the Village Board and shall be constructed by the Village in accordance with standards established by the Public Works Committee.

(b) Special assessments for all new sidewalks shall be levied at 100% of the total cost, and sidewalk replacement and repairs shall be levied at 50% of the total cost.

[8.07 DRIVEWAYS – moved to Code of Ordinances, section 17.235 zoning]

8.08 MOVING BUILDINGS.

(1) PERMIT REQUIRED. No person shall move any building into or within the Village without a permit from the Building Inspector upon 30 days' notice.

(2) APPLICATION. Application for a permit shall be made on forms provided by the Building Inspector.

(3) PERMIT FEE. For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$25.00. For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$10.00. Such fees shall not include the

fee for a building permit to rebuild or alter the building upon its new location within the Village.

(4) **BOND REQUIRED.** Before a permit is issued, the mover must give a bond in the amount of \$10,000.00 with good and sufficient sureties to be approved by the Village Attorney conditioned that the mover shall save the Village harmless from any liability arising out of the move and shall restore any street damage by the move.

(5) **INSURANCE REQUIRED.** Before a moving permit shall be issued, the applicant shall submit to the Building Inspector a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$100,000.00 for any one person, \$300,000.00 for any one accident and \$50,000.00 for property damage.

(6) **NOTICE TO UTILITIES.** Prior to the issuance of said permit, the owner or mover shall certify that he had notified all public utilities whose lines or poles may be interfered with during the movement of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may charge the permittee the cost thereof.

(7) **INSPECTION AND REPAIR OF STREETS AND HIGHWAYS.** Every person receiving a permit to move a building shall, within one day after reaching its destination, report that fact to the Director of Public Works. The Director shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or highways, the building mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the building mover to do so within 10 days thereafter to the satisfaction of the Director, the Village shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

8.09 PENALTY. The penalty for violation of any provision of this chapter shall be a penalty as provided in sec. 25.04 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.

VILLAGE OF WEST BARABOO SIDEWALK POLICY

(Adopted September 13, 2012)

PURPOSE.

This policy is intended to establish guidelines for the installation of new sidewalks and the replacement of existing sidewalks in the Village of West Baraboo.

Except as otherwise stated in this policy it is the goal of the Village to have curb, gutter, and sidewalks, where needed, on all existing and future streets for the benefit of the health, safety, and welfare of the citizens.

PROCEDURE - NEW SIDEWALK INSTALLATION.

Locations for new sidewalk installation shall be as directed by the Public Works Committee. The cost of constructing new sidewalk shall be borne by the Village, unless specified otherwise below for New Building Construction or New Subdivisions.

Notices shall be mailed to property owners along streets slated to receive new sidewalk prior to the construction being initiated.

VILLAGE OWNED PROPERTY. Whenever sidewalks are constructed on a street all Village owned parcels contiguous to the project shall have sidewalk installed.

NEW BUILDING CONSTRUCTION. The Village Board, at its discretion, may require the installation of sidewalks in conjunction with new building construction. This determination shall be based on the existence of sidewalks on lots nearby on the same block or adjacent blocks to the new construction. Cost for the sidewalk construction shall be borne by the property owner. Sidewalks shall be installed prior to an occupancy permit being issued between May 1st and October 31st for all new building construction. Structures receiving occupancy permits between November 1st and April 30th shall be required to have sidewalks installed by the following June 30th.

NEW SUBDIVISIONS.

The Village Board, at its discretion, may require the installation of sidewalks in new subdivisions. Sidewalks shall be installed as provided in the subdivider's agreements. (See attached standard agreement clause below.)

"Subdivider agrees to construct and install, at Subdivider's sole expense, all sidewalks required by the Village as a condition of plat or CSM approval in accordance with the Village's sidewalk standards and specifications. Sidewalks

shall be constructed on both sides of each street within the Subdivision, as directed by the Village Public Works Committee. All sidewalk construction within the Subdivision shall be completed within three years of the date of the recording of the final plat of the Subdivision or the date of the execution of this Agreement, whichever occurs first. Sidewalks must be constructed for an individual lot within the Subdivision before an occupancy permit can be issued for any structures on that lot. Subdivider agrees that upon completion of any portion of the sidewalk construction in accordance with this Agreement, Subdivider shall formally notify the Village Engineer and request an inspection thereof. Upon such notification, the Village Engineer shall make an inspection of the completed sidewalk. The Village does not accept the dedication of any sidewalks in the Subdivision until the Village Engineer approves the completed sidewalk and acceptance shall be subject to acceptance of ownership and dedication and to the letter of credit provisions."

PROCEDURE – SIDEWALK REPLACEMENT.

As a guideline, it is the Village's goal to endeavor to replace sidewalks if there are cracked or broken stones, spalled surface conditions, ponding or icing conditions or settling or heaving so as to cause a differential in joint elevation of 1/2 inch from one stone to the next. A sidewalk "stone" is defined as a section of finished concrete lying between expansion or contraction joints. Replacement of such deficient sidewalk caused by normal wear and tear and weather conditions will be considered sidewalk maintenance. The cost of sidewalk maintenance or replacement shall be borne by the Village. The cost of replacement of sidewalk that is damaged due to building construction, utility installation, or excessive loading shall be assessed to the individual or entity responsible for causing the damage.

Please note: A Street Opening permit is required for any street and sidewalk excavation and opening that is to occur within the Right of Way of any Village Street.

The Director of Public Works shall designate which sidewalks shall be replaced

Sidewalks marked for replacement shall be completely removed and replaced. Surface grouting and grinding shall be allowed only at the discretion of the Director of Public Works.

DESIGN STANDARDS.

Sidewalks shall be 5 feet wide and constructed of concrete in accordance with the Village concrete specifications as adopted by the Public Works Department and listed below. Sidewalks shall typically be installed on street right-of-way six inches from the property line. The sidewalk specifications for a particular project may require the removal

of trees and landscaping encroachments. In situations where building encroachments or significant tree growth or other special circumstances exist, the sidewalk may be installed further from the property line with the approval of the Director of Public Works. An effort shall be made to conform in width and alignment with other sidewalks in the area, but any replacement sidewalk over 50 feet in length shall be constructed at a width of 5 feet.

Sidewalks shall be installed through driveway sections to provide a uniform walking section and appearance.

Sidewalk grades, curb ramps and detectable warning fields shall meet current ADA requirements.

Certain sidewalk projects may require the construction of walls and other improvements.

The Director of Public Works shall be notified and an inspection performed prior to pouring the sidewalk to approve the sidewalk location, grade line and forming.

CONCRETE FOR SIDEWALK SPECIFICATIONS

Compressive Strength (PSI) 28-Day: 4,000 psi minimum

Water-Cement Ratio: 0.5 Maximum

Air Content Range (%) Minimum –Maximum: 5 to 7

Slump Range (inches) Minimum –Maximum: 2 to 4

Coarse Aggregate (inches) Maximum: 3/4

Concrete thickness (inches)

R-1 and R-2 districts: 6" pavement and 6" base course

All other districts: 8" pavement and 8" base course