

CHAPTER 8 PUBLIC WORKS 8

8.01	Official Map
8.02	Street Grades and Elevators
8.025	Minimum Street Widths
8.03	Additional Grades
8.04	Sidewalk Grades
8.05	Alley Grades
8.055	Sidewalk Assessments
8.06	Sidewalk Construction
8.07	Railroad Crossing
8.08	Trees
8.09	Dutch Elm Disease
8.10	Excavations
8.11	Obstructions and Encroachments
8.12	Signs and Overhanging Structures
8.13	Driving Across Sidewalks
8.14	Littering Prohibited
8.15	Snow and Ice Removal
8.16	Hitching Horses Regulated
8.17	Buildings, Numbering
8.18	Utility Poles
8.19	Underground Utility Wires
8.20	Public Construction by the City
8.25	Penalty

8.01 OFFICIAL MAP.

(1) ADOPTED. The City hereby adopts the Official Map for the City of Sparta, which is incorporated herein as if set forth in full, a copy of which is in the office of the City Clerk, including all streets which have been added thereto and all streets deleted therefrom and including proposed streets as indicated thereon extending beyond the City limits, within a 1 1/2 mile radius thereof.

(2) AMENDMENTS TO OFFICIAL MAP. #46, #176, #251, #267, #288, #290.

8.02 STREET GRADES AND ELEVATIONS.

(1) All grades and elevations fixed and established in the City shall be described in feet, and decimals of a foot above a certain assumed base or datum, which base or datum is the level of the mean tide at New York City, which is below 14 permanent bench marks set in this City at places and elevations shown in the Bench Mark Book of the City Surveyor, 2 of which are at the distances above such base or datum as follows: one on top of iron post bench mark at corner of Oak and Courts Street, being 793,393; one on top of iron post bench mark at corner of Franklin and Water Streets, being 790,333 above such datum.

(2) TABLES OF STREET GRADES. The grades of streets are listed in the Table of Street Grades on file in the City Clerk's office.

(3) AMENDMENTS TO TABLES. Ord. #95.

8.025 MINIMUM STREET WIDTHS. Except where Chapter 18 of this Code of Ordinances is applicable, all streets shall have a minimum surface width of 32 feet face-to-face of curbs. (Cr. #480, 1996)

8.03 ADDITIONAL GRADES. The City Council may from time to time fix additional points or amend those herein established and may change any permanently established grade in the manner and form provided by law.

8.04 SIDEWALK GRADES.

(1) The grade of the inner edge of sidewalks shall be as follows:

(a) On all streets running east and west, the grade line shall be parallel to and 6" above center of the street, the elevation at the corner of blocks to be thus established.

(b) On streets running north and south, the grade lines shall be on blocks where no break occurs in the street grade, the sidewalk grade shall be a

straight line connecting the points of the corner of the blocks thus established.

(c) If there is a break in the street grade within any block, the sidewalk grade shall start at the corner elevations as established and run parallel to the street grades to the point at which the 2 lines meet.

(d) If 2 or more breaks in the street grade occur in any block, the grade of the sidewalk opposite the center portion shall be parallel to and 6" above the street grade between the points where such lines meet the lines running from the corners of the blocks.

The above grades shall be subject to such exceptions as the Street Committee may deem advisable or subject to approval by the Council, and a record of the sidewalk grades so established shall be kept by the City Clerk in his office. Such sidewalk grades, being the elevation of the sidewalk, or of the sidewalk projected along the line of lots, shall slope downward toward the center of the street at the rate of one and 1/4 inches to each 6 feet.

(2) EXCEPTIONS. Exceptions to sub. (1) which were or may be established by the Council, are set out in the records in the office of the City Clerk, and are not set out herein. This chapter shall in no way affect such exceptions already established.

8.05 ALLEY GRADES. The grades of the center of all alleys shall be a straight line connecting the grades of the street intersections subject to the same exceptions and recorded in the same manner as provided for sidewalk grades.

8.055 SIDEWALK ASSESSMENTS. The initial construction of City sidewalks in developed residential areas shall be the responsibility of the City. The initial construction of sidewalks in new developments shall be governed by Chapter 18 of this Code of Ordinances. Costs for the replacement of City sidewalks in residential areas shall be the responsibility of the City, unless it can be shown that damage was caused by an action of the adjacent property owner. Costs for new or replacement sidewalk in any non-residential zoning district shall be the responsibility of the adjacent property owner. (Created #790, 7-21-09)

8.06 SIDEWALK CONSTRUCTION. After July 20, 2000, all sidewalks rebuilt or constructed in the City of Sparta shall be constructed according to one of the following standards. Sidewalks of any material shall meet the grade requirements of Section 8.04, and shall be no less than four feet wide. City sidewalks shall include any sidewalk running parallel to the street located in City right of way.

(1) Cast-in-place Concrete (hereinafter referred to as "concrete"): All concrete sidewalks shall be constructed according to the following specifications.

PUBLIC WORKS 8.06(1)(c)

- a. Cement shall be fresh and a standard brand of Portland cement, and shall be mixed in quantities sufficient to provide a 4,000 psi mix. The sidewalk shall be formed and poured on site.
- b. Fine aggregate shall consist of natural sand or screenings from hard tough crushed rock. It shall be clean and well graded. It shall pass a ¼ inch screen and 95% shall be retained on a 100 mesh screen.
- c. Coarse aggregate may be pebbles, broken stone or blast furnace slag. It shall be clean, hard, durable and uncoated. All coarse aggregate shall pass a 1" screen and 95% shall be retained on a ¼" screen.
- d. Pit run may be used only after a screen test is made and sufficient coarse aggregate is added to meet the correct proportions for the mix.
- e. The water used in the mix shall be clean enough to drink.
- f. Forms shall be made of lumber 2" thick or of steel of equal strength. Flexible strips may be used on curves. They shall be rigidly held to line and grade by stakes or braces.
- g. Division plates shall be of 1/8" steel as wide as the depth of the slab and as long as the width of the walk. If no division plates are used, creases shall be cut a minimum of 1/3 of the depth of the concrete.
- h. Sub-base under all sidewalks shall be a 2" minimum layer of sand properly tamped to line and grade. The pavement shall be no less than 4" thick, except in driveway approaches where the pavements shall be no less than 6" thick.

(2) Brick or Concrete Pavers (hereinafter referred to as "pavers"): All paver sidewalks shall be constructed according to the following specifications:

- a. Pavers shall be interlocking and shall provide a strength comparable to cast-in-place concrete. Pavers intended for driveways shall be no less than 3" thick; pavers intended for pedestrian use only shall be no less than 2" thick.
- b. Pavers shall be installed over soil compacted to 95% density and compacted aggregate base of no less than 6" for driveways and no less than 4" for sidewalks. A 1" layer of bedding sand shall be applied before the pavers are installed.
- c. The pavers shall be installed in a professional manner. The pavers

PUBLIC WORKS 8.06(2)(c)

shall be compacted upon placement, sand shall be swept into the joints, and the pavers shall be compacted again. Edge restraints shall be placed around the edges of the pavers to maintain its strength and stability.

d. The installer of pavers shall consult applicable specifications for the material used proved by the manufacturer. Where these specifications differ from this ordinance, the more stringent requirements shall apply.

e. Paver installation shall be arranged by the property owner at the property owner's expense. Should the property ownership change, any subsequent property owners shall assume all future responsibility for the paver sidewalk. Should a sidewalk constructed of pavers require repair, maintenance or replacement, this shall be the responsibility of the property owner. The property owner assumes all liability for a sidewalk constructed of pavers. Should the Director of Public Works notify the property owner of substandard paver sidewalk by first-class or certified mail, the property owner shall repair or replace said sidewalk within 30 days. If the property owner fails to do so, the City has the authority to replace the sidewalk and charge the property owner for all work. Should the owner refuse or fail to pay these charges, the charges will be placed on the property owner's tax bill. Any sidewalk installed by a City crew shall be cast-in-place concrete. The City crew shall replace only the City sidewalk; replacing any pavers or landscaping disturbed or removed during the installation of such sidewalk shall be the responsibility of the property owner.

(3) All work within City limits which affects existing or potential future City sidewalks shall be regulated by this Ordinance. The Building Inspector shall notify the Director of Public Works when a building permit is issued which includes such work. Should a new driveway be constructed in an area lacking City sidewalk, the portion of the driveway which is between 6' and 11' from the curb or edge of the road shall meet the grade requirements of a City sidewalk in anticipation of future sidewalk installation. If City sidewalks exist in neighboring properties, the City sidewalk portion of a new driveway shall be made to line up with these segments so that any future sidewalk installation may be straight.

Sidewalk Maintenance:

(1) Removal of snow and ice: The owner or person in charge of property which includes City sidewalk shall clean the sidewalk in front of or adjoining their property of snow and ice the entire width of the sidewalk. This shall be accomplished within 24 hours after snowfall has ceased. When ice has formed and cannot be immediately removed, it shall be sprinkled with salt or sand. No person in the course of removing snow or ice shall cause or permit it to be placed on any public way.

(2) **Obstructions:** No property owner or occupant shall allow branches of trees to grow over the sidewalk at a height of less than eight feet, nor allow any shrubbery or bush to encroach upon the sidewalk.

(3) **Objects in right of way:** If any landscaping, fence, or other object placed without City permission on boulevards within City right of way must be removed for sidewalk or other construction, such removal shall be the responsibility of the homeowner. The property owner will have 30 days to remove the object before construction begins. Objects not removed within 30 days may be removed by the City or City's agent at the time of construction, with removal and disposal costs charged to the property owner. During a street reconstruction project, affected boulevard trees will be removed at the City's expense. (Amended #551, 2000)

8.07 **RAILROAD CROSSINGS.** The Chicago, Milwaukee, St. Paul and Pacific Railway Company and the Chicago and Northwestern Railway Company shall, at the intersections of all streets which they cross within the City, construct, repair, and maintain suitable safe and convenient crossings over their tracks, for travel of vehicles and pedestrians. The spaces between the tracks at the intersection of streets shall be brought to a level of the street, and shall be repaired and constructed by planning or paving the same as the Council may, from time to time, order and direct. When the tracks cross any sidewalk, they shall keep the sidewalk across their right-of-way and between the tracks in good repair and clean of snow and when new sidewalks are ordered on such crossings or intersections by the Council, the railroad companies shall construct and maintain the same in the manner as ordered.

8.08 **TREES.** (Recr. #450, 1995)

(1) **Spacing.** All trees hereafter planted in any street shall be planted midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line between the outer line of the sidewalk (or property line) and the edge of the vehicular travel-way, and at a place reasonably consistent with the pattern of those plantings that are adjacent to hard-surface streets.

(2) **Planting.**

(a) A planting permit shall first be obtained from the City, at no cost to the owner, if the owner will be planting a tree upon or within a street right-of-way or easement area. Tree planting in utility easement areas will normally not be permitted. If the City Contractor plants the trees, no permit will be necessary, however, the City crews when possible will locate their utility lines, and the Street Supervisor will work with the Contractor, Digger's Hotline, and the property owner for placement of the planting(s).

(b) Size. All trees planted on the streets shall be of sufficient size to warrant satisfactory results and stand the abuse common to street trees.

(c) Grade. Unless otherwise allowed for substantial reasons, all standard sized trees shall have comparatively straight trunks, well-developed leaders, and top and root characteristics of the species or variety showing evidence of proper nursery pruning. To compensate for any serious loss of roots, the top of the tree should be reduced by thinning or cutting back as determined by the growth characteristics of the tree species. The leader shall not be cut off in such trimming.

(d) Planting. Trees shall not be planted on the boulevard if it is less than six (6) feet in width, or contains less than sixty-four (64) square feet of exposed soil surface. Trees shall not be planted closer than twenty-five (25) feet to street intersection (property lines extended) and ten (10) feet to driveways. Where boulevards are inadequate in size for the planting of trees, trees should be planted inside the property lines, by the property owner only. The City will not consider planting of City trees on any property other than on the boulevards. Within the constraints of budget and time, the City Public Works Department, may plant shade trees for streets and thoroughfares in the City.

(e) Method of Support. Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the trees or endanger public safety.

(3) Trimming or pruning.

(a) City to Replace Boulevard Trees. Should the City become aware of trees in City right of way which are dead or dying, impede traffic visibility or safety, cause severe and recurring damage to City sidewalks, impair snow plowing operations, interfere with overhead power lines, or in some other way constitute a public nuisance, the City Street Department may remove such a tree at City expense. The City shall not remove trees solely for the convenience of personal wishes of adjoining property owners. The City reserves the right to interpret this ordinance to determine which trees are to be removed. The Street Department shall maintain a list of trees to be replaced. Should the City be notified of such a tree by the adjoining property owner, the City shall not be required to provide special removal notice to that property owner. If, however, the City chooses to remove a tree without prior knowledge of the property owner, the City shall notify such a person in writing or by personal contact no less than three working days prior to the removal of the tree. Should

PUBLIC WORKS 8.08(3)(a)

the property owner contest the City's decision to remove the tree, the tree shall not be removed until the property owner has been provided the opportunity to address the issue before the Board of Public Works. Should the property owner desire that the removed tree be replaced, this shall be performed under the annual tree planting contract in the year following removal.

(b) Owner to Replace Dead Trees on Private Property. All owners or persons in charge of any lot or premises upon which ornamental or shade trees are standing shall remove all trees which shall die, or otherwise pose a threat to public safety and when any such person neglects to do so the Council may require him to replace the same within a reasonable time specified in the resolution.

1. 30 Days Time to Replace. A notice requiring such trees to be removed shall be served upon the owner or person in charge of the lot or premises affected thereby, at least 30 days before the expiration of the time limited for complying herewith.

2. Failure to Replace. If such owner or person in charge neglects to comply with such order within the time specified, the City Forester shall cause such trees to be so removed and report the expense to the City Clerk and such expenses shall be placed in the tax roll as a special assessment on such lot or premises.

3. Replacement of Removed Trees. In keeping with the purposes of this ordinance, the City Public Works Department must replace removed trees with new trees, but only if the tree was a public hazard due to location or if the tree must be removed due to street widening or street construction. This shall be performed under the annual tree planting contract in the year following removal.

(c) Trees and Shrubs to be Trimmed. All trees and shrubs set out and planted in City right of way or growing upon private property in such a manner as to obstruct the view of traffic, and to overhand or protrude on any portion of the street, alley, sidewalk, or other public way, shall be trimmed or eliminated so as not to obstruct the view of traffic. All trees shall be trimmed and keep trimmed so that the lowest branch or limb thereof overhanging any portion of the sidewalk shall not be less than 8 feet above and the lowest limb or branch overhanging any portion of any street, gutter or alley or other public way, outside the line of the boulevard, shall not be less than 15 feet above. No tree or shrub shall substantially interfere with the diffusion of light from any arc light in the City. The City Street Department shall trim trees overhanging streets and alleys, and

adjacent property owners shall be responsible for trimming trees or shrubs overhanging sidewalks.

1. All cuts are to be made at a proper proximity to the parent stem so that healing can readily start under normal conditions.

2. All dead and diseased wood shall be removed. (Amended #553, 2000)

(4) Trimming of trees under supervision of City Public Works Department. Except as allowed in 3 (e), no person may trim or cut any tree in a street or public place unless the work is done under the personal supervision of the Public Works Department, by a designated employee.

(5) Diversification and desirability. The City Public Works Department shall develop goals and plans for long-term tree planting and reforestation and shall encourage public awareness of the esthetic and ecological importance of tree planting, development, and care.

(6) Box Elder Trees.

(a) All box elder trees in the City which become infected with box elder bugs are declared to be a nuisance, and the owner of each parcel of land in the City upon which such trees are located, shall remove all such box elder trees so infested within 5 days after notice from the City Forester, declaring any tree thereon to be so infested, and shall remove such trees from the premises.

(b) If the owner of the premises on which are located box elder trees, which are infested with the box elder bugs, fails to comply with sub. (7) (a), the City, through its officers and employees, may enter upon the premises and cut and remove such box elder trees, and the cost of such cutting and removal shall be assessed to the property as a special assessment on such parcel of land.

(c) No person shall plant any box elder trees in the City.

(d) Any person who fails to comply with this section shall be subject to a forfeiture as provided in Sec. 8.25 of this Code.

(7) Prohibited Trees for Planting. (Created #782, 4-21-09)

(a) Certain entire tree species are periodically threatened by a pervasive insect or disease, threatening that entire population within the City. Such trees shall be prohibited from being planted anywhere within the City as

long as such trees are included on the below list, which may be updated from time to time.

(b) The current list, as of April 21, 2009, of Prohibited Trees for Planting is: All variety of Ash; Box Elder; Willow; and Black Locust.

(8) Firewood Movement. No person may possess firewood within the City of Sparta that originates from outside the borders of Monroe County unless certified as free of Emerald Ash Borer. Firewood includes all wood, processed or unprocessed, intended for use in a campfire. City may seize and dispose of firewood possessed in violation of this ordinance.

8.09 DUTCH ELM DISEASE.

(1) PUBLIC NUISANCES DECLARED. (Created #782, 4-21-09)

The City Forester or his/her designee shall have the right to declare as a public nuisance any tree or shrub or part thereof, including firewood, existing anywhere in the City which is:

1. Interfering with the use of any public area,
2. Infected with a plant disease
3. Infested with insects, or
4. Endangering the life, health or safety of other trees, shrubs, persons, or property.

(2) CITY FORESTER. A City Forester shall be appointed by the Mayor, subject to confirmation by the Council, and shall receive such compensation as shall be determined by the Council. The Director of Public Works (DPW) also plays a crucial role in the management of the urban forest. The City Forester and DPW shall have the authority and jurisdiction of regulating the planting, maintenance and removal of trees on public property and, subject to private property tree and vegetation regulations, to insure safety or preserve the aesthetics of such public sites. The City Forester or DPW may inspect all trees, shrubs, vines, hedges, plants, logs or branches existing or growing upon any property within the City. The City Forester and DPW shall enforce such rules, regulations, permits, and penalty procedures as deemed necessary and may do so by the issuance of municipal citations to effectuate the intent of this chapter. No person shall unreasonably hinder, prevent, delay, or interfere with the City Forester, DPW, or their agents while engaged in the execution of this ordinance. The City Forester shall have the powers and perform the duties imposed by this section and by Ch. 27, Wis. Stats. (Created #782, 4-21-09)

(3) DEFINITIONS. For the purpose of this section, certain words are defined as follows:

(a) Public Nuisance.

1. Dutch Elm Disease.
2. Elm Bark beetles *Scolytus Multistriatus* (Marsh) or *Hylurgopinus Rufipes* (Eichh).
3. Any living or standing elm tree infected with Dutch Elm Disease fungus or in a weakened condition which harbors any of the elm bark beetles.
4. Any dead elm tree or part thereof, including logs, branches, firewood, stumps or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.

(b) Public Property. Any premises owned or controlled by the City, including but not restricted to, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards and terrace strips between the lot line and the curb or improved portion of any public way.

(4) INSPECTION.

(a) The City Forester shall inspect at least twice a year all premises and places within the City to determine whether any public nuisance exists thereon. He shall also inspect any elm tree reported or suspected to be infected with the Dutch Elm Disease or any elm bark bearing material reported or suspected to be infested with elm bark beetles.

(b) Whenever necessary to determine the existence of Dutch Elm Disease or elm bark beetles in any tree, the City Forester shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and forward them to the Wisconsin Department of Agriculture for analysis to determine the presence of such nuisances.

(c) The Forester and his agents or employees may enter upon private premises at reasonable times for the purpose of carrying out any of the provisions of this section.

(5) ABATEMENT OF NUISANCES: DUTY OF FORESTER.

(a) The Forester shall order, direct, supervise and control the abatement of public nuisances by spraying, removal, burning or other means which he determines to be necessary to prevent as full as possible the spread of Dutch Elm Disease fungus or the insect pests or vectors known to carry such disease fungus.

(b) Whenever the Forester determines that a public nuisance exists on public property in the City, he shall immediately abate or cause the abatement of such nuisance in such a manner as to destroy or prevent as fully as possible the spread of Dutch Elm Disease or the insect, pest or vectors known to carry such a disease fungus. All trees, shrubs, or parts thereof on public property shall be subject to treatment and/or removal when it is determined by the City Forester or his/her designee that the trees or shrubs constitute an immediate or future health or safety hazard or when they have become unsightly, infested, diseased or dead. The City Forester or his/her designee shall have the discretion to determine the most appropriate course of action to prevent or treat such conditions. (Amended #782, 04-21-09)

(c) When the Forester determines with reasonable certainty that a public nuisance exists upon private premises, he shall immediately serve personally or by registered mail upon the owner of such property, if he can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and shall direct that the nuisance be abated within 10 days after service of such notice. Such notice shall describe the nuisance and recommended procedure for its abatement, shall further state that unless the owner abates the nuisance as specified in the notice, the Forester will cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the City.

(6) SPRAYING.

(a) Whenever the Forester determines that any elm tree or part thereof is infected with Dutch Elm Disease fungus or is in a weakened condition and harbors elm bark beetles, he may cause all elm trees within 1,000 foot radius thereof to be sprayed with an effective elm bark beetle destroying concentrate.

(b) To facilitate the work and minimize the inconvenience to the public of any spraying operation conducted under this section, the Forester shall cause to be given advance public notice of such operation by newspaper, radio, television public service announcements, or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least 24 hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Chief of Police, who shall make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be

posted in each block of any affected street at least 24 hours in advance of spraying conditions.

(c) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with par. (b), the City shall not allow any claim for damages to any vehicle caused by such spraying operations.

(d) When the trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with (5)(c).

(7) COST OF TREE CARE: SPECIAL ASSESSMENTS.

(a) The cost of abatement of a public nuisance or spraying elm trees or elm wood at the direction of the Forester if the nuisance, tree or wood is located on public parks or grounds shall be borne by the City.

(b) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises or in the public right-of-way when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance tree or wood is located or which abuts on the public right-of-way in which such nuisance tree or wood is located, as follows:

1. The Forester shall keep account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work charges, description of lands to which chargeable and the names and addresses of the owners of such lands to the City Clerk on or before October 15 of each year.
2. The City Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that unless paid within 30 days of the date of the notice, such assessment shall bear interest at the rate of 7% per annum and will be entered on the tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
3. The City hereby declares that in making assessments under this section, it is acting under its police power. No damages shall be awarded to any owner for the destruction of any diseased or infested elm tree or elm wood or part thereof.

(8) PROHIBITED ACTS. No person shall:

- (a) Transport any bark bearing elm wood bark or material on public streets or highways or other public premises without first securing the written permission of the Forester.
- (b) Interfere with or prevent any act of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this section.
- (c) Refuse to permit the Forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this section.
- (d) Permit any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.

8.10 EXCAVATIONS.

- (1) PERMIT REQUIRED. No person shall open or make excavation in or upon any paved or macadamized street or alley of the City without obtaining a permit hereunder.
- (2) APPLICATION. Application shall be made to the Streets Committee setting forth in detail the extent of the work, and for what purpose it is desired to make such an opening or excavation, the kind of pavement, curbing and sidewalk to be broken into, and a description of the property by lot, block and addition opposite which such excavation or opening is to be made.
- (3) REPORT BY STREETS COMMITTEE. The Streets Committee shall within 24 hours after receiving such application, meet and determine the probable cost of refilling and relaying in as good condition as before, all pavement, macadam, sidewalks, and curbing so disturbed, and file a report of their determination with the City Clerk.
- (4) DEPOSIT OF BOND. After the estimate has been made and filed with the City Clerk, the applicant shall deposit the amount of such estimate with the City Treasurer, who shall give his duplicate receipt therefore, one of which shall be presented to and filed with the City Clerk, who shall give a permit for the opening or excavation as set forth in the application. In lieu of the deposit, the applicant may file with the City Clerk a bond twice the amount of such estimate conditioned for one year against any settling of the street or alley, and any defects in the paving, sidewalk or curbing, and conditioned for one year upon restoration of all pavement and macadam, sidewalks and curbing interfered with to as good condition as prior to the excavation, and conditioned upon his securely refilling and tamping in such excavation, before restoring pavement, etc., and upon the

filing of this bond, the City Clerk shall give the permit for such opening and excavation as set forth in the application.

(5) SHALL REFILL OPENING. The applicant may then make the opening and excavation set forth in his application, and upon completion of the work he shall refill and tamp all excavations and restore all pavement, macadam, sidewalks and curbing interfered with to as good condition as the same was prior to the excavation and as a guarantee of perfect work for one year, the amount deposited with the City Treasurer shall be held by the City Treasurer for one year, and if a bond has been given in lieu of the deposit, the bond shall be so held.

(6) NOTICE OF DEFECT. If within one year from the date of the opening or excavation, any settling of the street or alley, or any defect appears in the pavement, macadam, sidewalks or curbing, the Streets Committee shall notify the applicant in writing that the opening and excavation has not been restored to its former condition, and the applicant shall within 10 days restore the opening, excavation, pavement, macadam, sidewalk or curbing to its former condition. If the applicant fails or neglects to do so, the Streets Committee shall restore the same to its former condition, keeping an accurate itemized account of the expense in so doing, which amount shall be paid from the funds on hand deposited with the City Treasurer for that purpose. If a bond, as provided by sub. (4), has been given in lieu of the deposit, the City Attorney shall collect upon the bond for the amount of such expense.

(7) TREASURER AND CLERK TO KEEP RECORD. The City Treasurer and City Clerk shall keep a record of all deposits and the residue, if any, of each fund so deposited, after the openings, excavations, pavements, macadam, sidewalk or curbing have been restored to their former condition as determined by the Streets Committee, shall be repaid to the applicant.

(8) OPENINGS TO BE MADE UNDER DIRECTION OF STREET COMMITTEE. All openings and excavations shall be made under the direction of the Streets Committee. All pavement, macadam, sidewalk and curbing shall be carefully removed in such manner as to cause the least injury or damage. All dirt excavated shall be place back into such opening or excavation in such manner as the Streets Committee shall direct, and all pavement, macadam, sidewalks or curbing shall be carefully replaced and put in as good condition as it was before such opening was made.

(9) EXTENT TO BE OPENED AT ONE TIME: DANGER SIGNALS. At no time shall more than 1/2 the width of any street be opened. All such openings shall from dusk until daylight have displayed in a conspicuous place, a sufficient number of red signal lights to warn people against danger. All openings or excavations shall be made in such manner as to cause the least obstruction to the street or alley and shall not remain open longer than it is absolutely

necessary to make the connections and complete the work in a satisfactory manner.

8.11 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:

(a) Signs and 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.

(b) Awnings which do not extend below any point 8 feet above the sidewalk, street or alley. (Am. #389, 1993)

(c) Public utility encroachments authorized by the City.

(d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than 3 hours.

(e) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Street Superintendent. He may require such materials to be protected by barricades or appropriate lights.

(f) Sidewalk cafes where tables and chairs do not occupy or extend more than four feet in width on a sidewalk; provided, however, that such cafe furniture shall not be permitted to remain during closing hours of the business. The sidewalk shall be kept in good repair and free from defect and shall be inspected by an employee of the Department of Public Works prior to use allowed by this subsection. (Cr. #389, 1993)

(g) Sidewalk merchandising displayed during business hours shall not extend more than two (2) feet from the building. Merchandise shall not be permitted to remain during closed hours of the business. Displays shall be maintained neat and orderly. (Cr. #493, 1997)

8.12 SIGNS AND OVERHANGING STRUCTURES. See Sec.17.23 of this Code.

8.13 DRIVING ACROSS SIDEWALKS. No person shall ride, drive or draw any vehicle on or across any sidewalk except at the regular crossings.

8.14 LITTERING PROHIBITED. Every owner or occupant of any building or lot in the City fronting on any street or alley shall keep the abutting sidewalk clean and such owner or occupant shall keep in good repair such sidewalk.

8.15 SNOW AND ICE REMOVAL. (Cr. #498, 1997; Am. #498, 1997; Am. #646, 04/2004)

SNOW AND ICE REMOVAL

(1) Every owner or occupant of any building or lot, or the person in charge of any church or public building in front of which a sidewalk has been constructed, shall clear off and remove from such sidewalk all snow and ice which has accumulated thereon within 24 hours after the termination of a storm which has deposited such snow and ice. Snow removal shall clear the paved surface of the sidewalk for the full width of the sidewalk. On the corner lots, the plow bank at the curb shall be removed for a width of not less than five feet. In the event of melting snow refreezing on sidewalks, the resulting ice shall be removed within 24 hours of forming. Snow or ice removed from sidewalks, driveways or parking lots shall not be deposited on City streets, alleys, neighboring sidewalks, or other rights of way. (Am. #754 2008)

(2) If the person responsible fails to comply with sub. (1), the City through its officers and employees, may remove such snow and ice and the cost of such removal shall be imposed as a special charge against real property for current services rendered in the amount of \$75 or actual time and material costs, whichever is greater. Advance notice of a special charge under this Ordinance may be given but is not required.

(3) In addition, failure to comply with sub. (1) after verbal or written warning from the Department of Public Works or a Police Officer shall subject the person responsible to penalties, fine or forfeiture under Section 25.04 of this Code of Ordinances. Upon the first offense, in addition to the special charge for removal of snow or ice, a notice shall be mailed to the property owner describing the violation (including date and time of snow and ice removal) and possible penalties for subsequent violations. Three violations in one winter season may result in a forfeiture of \$100 by the property owner.

8.16 HITCHING HORSES REGULATED.

(1) No person shall leave any horse hitched upon any public street, alley or highway within the City endangering or obstructing public travel.

(2) No person shall secure any horse to any ornamental or shade tree in any of the streets or public grounds of the City, or to the box or case around such tree or to any fence around any public grounds.

8.17 BUILDINGS, NUMBERING.

(1) NUMBERING HOUSES. All lots and houses in the City shall be numbered in accordance with the plan set forth herein.

(2) BASE FOR NUMBERING. The base or division line for assigning numbers to lots and buildings in the City shall be Water Street and Main Street.

(3) HOW NUMBERED.

(a) All lots and buildings north of Main Street shall be known as located at Number ___ North ___ Street.

(b) All lots and buildings south of Main Street shall be known as located at Number ___ South ___ Street.

(c) All lots and buildings east of Water Street shall be known as located at Number ___ East ___ Street.

(d) All lots and buildings west of Water Street shall be known as located at Number ___ West ___ Street.

(4) ONE HUNDRED TO EACH BLOCK. The number of blocks shall increase from the respective base lines in even hundreds. The first block shall be One Hundred Block, the second shall be Two Hundred Block, the third shall be Three Hundred Block, etc., and there shall be assigned one hundred numbers to each

block or square or space that would be one block or square if the streets each way were so extended as to intersect each other, and at least one number shall be assigned to each 30 feet of frontage, except in a portion of the business section of the City, as more particularly set out and defined in the plat book prepared, and filed in the office of the City Clerk, there shall be assigned one number to each 20 feet of frontage.

(5) EVEN NUMBERS FOR NORTH AND WEST SIDE; ODD FOR SOUTH AND EAST. All lots and buildings on the north and west side of all streets shall be numbered with the even number numbers and all lots and buildings on the south and east side shall be numbered with odd numbers, each commencing with the hundred assigned to that block, and shall increase from the base line at least one number for each 30 feet of frontage, except in the business section as provided in sub. (4). The second floor of all buildings occupied separately from that of the

first floor for business or residential purposes shall have the same number as that of the first floor of the building, except the number "one-half" shall be added to same.

(6) PROVISION FOR SHORT STREETS. All streets, not extending the entire distance between City limits and the base line, shall take the same number of hundreds, that the streets would take if they extended the entire distance between the base line and the City limits, and in case any number is not otherwise determined, it shall be determined by the Street Committee.

(7) SURVEY AND PLAT BOOK IN RESPECT TO NUMBERS. The Council shall cause the necessary survey to be made and there shall be assigned to each house and building located on any street or alley in the City, its respective number under the uniform system provided for in this and all other City ordinances. In connection with the survey, a plat book of all streets and alleys within the City showing the proper numbers of all lots or buildings fronting all streets or alleys shall be prepared under the supervision of the City Clerk. These plats shall be open to inspection of all persons during the office hours of the Clerk.

(8) All principal buildings shall be required to display an address number in the manner prescribed in this ordinance.

(a) RESPONSIBILITY FOR DISPLAY OF ADDRESS NUMBERS.

It shall be the responsibility of each and every property owner, trustee, lessee, agent and occupant of each residence, apartment building, business or industry to post and maintain, at all times, address numbers as required under this policy. All addresses shall be displayed in such a way that they are unobstructed and legible from the traveled roadway.

(b) PLACEMENT OF ADDRESS NUMBERS.

When a cluster box is used it will only be required for the address to be displayed on the structure.

(1) Mobile homes or manufactured homes located within a development shall display the address number in numbers of at least two and one-half (2½) inches in height and on the side of the home facing the access road.

(2) Structures located within a subdivision, condominium or within a city or village that is within fifty (50) feet from the edge of the road right-of-way shall:

PUBLIC WORKS 8.17(8)(b)(2)(a)

- a) Display the assigned address number on the structure in such manner that it is visible from the road.
 - The address shall be composed of numbers that are not less than two and one-half (2½) inches in height and contrasting in color with the background on which they are affixed.
- b) The numbers shall be reflective numbers on a contrasting background.
- c) The address shall not be obstructed in any way by any form of landscape, other mailboxes or newspaper delivery boxes.

(3) Standards for structures located more than fifty (50) feet from the road.

- a) Structures located more than fifty (50) feet from the edge of the road right-of-way shall comply with the previous requirements listed for structures within fifty (50) feet of the road right-of-way and in addition shall be of sufficient size to be readable from the edge of the paved portion of the street as approved by the City of Sparta Building Inspector.

(4) Failure to display the address for new construction, following City standards in this ordinance, will be grounds for withholding issuance of a Certificate of Occupancy. Additionally, the owner of any building required to be numbered who shall fail or neglect to comply with this section in respect to attaching and maintaining the proper numbers on such building or buildings shall be notified by the City by written notice to comply with the terms of this section and if he neglects to so comply for 10 days after the service of such notice they shall be subject to a penalty as provided in Sec. 8.25.
(Recreated #774, 1/20/09)

(9) (Repealed #774, 1/20/09)

(10) (Repealed #774, 1/20/09)

8.18 UTILITY POLES.

(1) REGULATING USE OF POLES IN STREETS. No post, telegraph, telephone or electric light pole or any other pole or post in the City shall have any spikes, hooks or iron or wooden "rounds" driven or placed therein at a distance of less than 7' above the level of the sidewalk or street.

(2) POLES IN CITY. Every person setting or maintaining any poles in the City shall comply with this section.

(3) POLES WHERE SET DANGEROUS WIRES.

(a) All poles set upon any street shall be so set that the roadside thereof shall be just inside the lot side of the curb line, 18' from the lot line and as near the boundary line of lots as shall be feasible and shall be so set as not to unreasonably interfere with public or private use nor with the drainage. If the same shall be feasible, all poles shall be set in alleys, and if so set, shall be as near the lot line as possible so as not to unreasonably interfere with the public or private use of the alleys.

(b) All wires carrying dangerous currents shall, if possible, be placed upon the opposite side of the street from telephone wires. If impossible to do so, such wires shall be placed above the other wires and at least 2' distant therefrom. If it is necessary for wires carrying light current to cross over telephone wires, such electric wires shall not be run between the different wires of the telephone leads, but shall, if possible, be placed over the same at least 2' therefrom and the wires carrying the high tension current shall at all times be kept perfectly insulated at such crossing points.

(4) DISFIGURING OF POLES AND ARCHES. (Am. #222) Except as hereinafter set forth, no person shall post, paint, paste, tack, fasten or attach any handbill, poster, placard, picture, notice, advertising matter, political matter or other thing upon any utility pole or arch in the City. No person shall disfigure any such pole or arch, except as provided in sub. (1) and as required to climb such pole or arch for the purpose of repairs and except the posting of official notices by public officials pursuant to law. Nothing herein contained shall prohibit the City from decorating such poles or arches on occasion of a public nature, such as fairs, holidays, etc., upon permission of the Utilities and Inspections Committee.

8.19 UNDERGROUND UTILITY WIRES.

(1) TELEPHONE AND TELEGRAPH WIRES IN FIRST FIRE DISTRICT. All telephone and telegraph companies shall lay and construct underground in the public streets, alleys and other places in the First Fire District all telephone and telegraph wires and cables as may be necessary for the proper conduct of their business. Such company shall, within the First Fire District, construct such manholes, distributing poles and other appliances and fixtures as shall be necessary and proper in laying such conduits and the carrying of wires and cables.

(2) SPECIFICATIONS TO BE APPROVED BY THE STREET COMMITTEE. All conduits, manholes, and other appliances and fixtures shall be of such materials and size and dimensions as shall be approved by the Streets Committee and shall be laid and constructed under the direction and with the approval of the Street Committee and the City Engineer.

(3) PLAN SUBMITTED TO STREETS COMMITTEE. Before and telephone or telegraph company shall lay and construct conduits or manholes or erect and distributing poles, it shall submit to the Streets Committee a written plan in duplicate, showing the route of proposed conduits, and the exact line and location of the proposed conduits, its distance from gutter or lot line, its depth, the manner of laying the same and of carrying such wires and cables and the location of the manholes and distributing poles. No conduit shall be laid without the consent of the Streets Committee.

(4) DISTURBING DRAINAGE. Such conduit or conduits shall be laid so as not to disturb the drainage of any of the streets or alleys, or interfere with drainage of the water or sewer pipes or other public or private property. When a conduit comes in contact with any water, sewer, gas, or other pipe, it shall be laid as directed by the Streets Committee and the City Engineer so that the grade of such conduit is sufficiently deep so it will not be necessary thereafter to relay such conduit or conduits in improving the street or alley. If it is necessary to lower or change such conduit it shall be done by the telephone or telegraph companies upon reasonable notice from the Streets Committee. If the telephone or telegraph companies refuse to lower or change the conduit or conduits, it shall be done by the Streets Committee and the expense shall be assessed against such company.

(5) WRITTEN CONSENT OF COUNCIL NEEDED. Whenever underground conduits have been laid in the streets and alleys of the City, they shall not be removed, relocated or changed without first obtaining written permission of the Council.

(6) REFILL OPENINGS AND DITCHES. The telephone or telegraph company when laying such conduits shall refill the opening of such ditch with reasonable diligence, and the ditch shall be so filled as to leave the street in as good condition as it was before the work commenced.

(7) SHALL BE PROTECTED. All conduits, manholes, wires, or cables shall be so carried and protected as to be free from all danger of communicating fire, by means of contact with other wires or conductors, or in any manner injure persons or property, public or private.

(8) SAVE CITY HARMLESS OF ANY INJURY OR DAMAGE. All telephone or telegraph companies shall save the City harmless of and from injury and damage of any kind caused or occasioned by reason of laying or constructing such

conduits or manholes or distributing poles, or by reason of negligent management in the construction or operation thereof, of wires connected therewith.

(9) NOT TO SET POLES WITHIN TERRITORY DESCRIBED. No telephone or telegraph company shall set any poles within the First Fire District, except distributing poles, one of which shall be placed about the center of each 300 foot block of such First Fire District, unless the Streets Committee shall decide more are necessary, which the same shall be placed under their direction. No company shall set any poles or string any overhead wires or cables within the First Fire District except such as may be absolutely required, temporarily, for actual subscribers, until the completion of the underground system required.

(10) FRANCHISES: ADDITIONAL RIGHTS. All telephone or telegraph companies shall, in addition to the rights and privileges which they now have in the First Fire District, have the right and privilege of laying and constructing underground all conduits necessary for laying and protecting its telephone, telegraph wires and cables, and also the privilege of constructing manholes, distributing poles, appliances and fixtures necessary and proper in the laying of such conduits in any other part of the City, not included in the First Fire District, under the terms and conditions provided in this Chapter.

8.20 PUBLIC CONSTRUCTION BY THE CITY. (Cr. #102) Pursuant to Sec.62.15(1), Wis. Stats., the following classes of public construction or any part thereof may be done directly by the City without submitting the same for bids, in such cases as the City Council shall by resolution designate. Such classes of construction are as follows:

- (1) Construction and installation of water mains within the City.
- (2) Construction and installation of storm sewers and sanitary sewer mains and related apparatus in the City.
- (3) Construction and installation of streets and roadways within the City.

8.25 PENALTY. Any person who shall violate any provision of this chapter or any order, rules or regulation made hereunder shall be subject to a penalty as provided in Sec.25.04 of this Municipal Code.