

CHAPTER 8

STREETS AND SIDEWALKS

8.01	Street and Sidewalk Grades
8.02	Public Improvements
8.03	Street Excavations
8.04	Obstructions and Encroachments
8.044	Control of Street Trees
8.05	Moving Buildings
8.06	Snow and Ice Removal
8.07	House Numbering Plan
8.08	Street Names
8.08m	Request for Discontinuance of a Public Way
8.09	Official Map
8.10	Penalty

STREETS AND SIDEWALKS 8.01

8.01 STREET AND SIDEWALK GRADES.

- (1) **ESTABLISHMENT.** The grade of all streets, alleys and sidewalks shall be established and described by the Council 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 Council.

8.02 PUBLIC IMPROVEMENTS. (Amd. Ord. #1184)

(1) CURB AND GUTTER.

- (a) Lines and Grades: All curb and gutter shall be barrier vertical six inches in height constructed according to lines and grades established by the City.
- (b) Costs, How Apportioned (Am. Ord. #659). The cost of improving street with curb and gutter including corners on any street, shall be borne on the basis of 50% of the cost to the abutting property owners and 50% of the cost to the City.
- (c) Requests for Curb and Gutter. Requests for curb and gutter must be submitted to the Council on or before August 1 to be considered for construction the following construction year. Any requests presented after that date may be included in the year following said year if approved by a 3/4 affirmative vote of the members of the Council.

(2) SIDEWALKS. (Am. Ord. 945; Am. Ord. 1209)

- (a) NEW. Whether by petition or as determined to benefit the safe travel of the public, when new sidewalk is installed within the current corporate limits, the cost of such sidewalk will be borne by the taxpayers of the City.
- (b) REPLACEMENT. Where sidewalk already exist, but is found to be defective or otherwise in need of replacement and such defect or finding is due to normal wear, or the results of natural action such as tree growth, frost upheaval or erosion, the cost of the replacement shall be borne by the taxpayers of the City.
- (c) REPLACEMENT DUE TO HUMAN ACTION. When sidewalk is defective or otherwise in need of replacement as a result of the action whether intentional or not of the property owner, his contractor or other contractor, then the cost of sidewalk replacement shall be borne by that party regardless of the age of the sidewalk now rendered defective.

STREETS AND SIDEWALKS 8.02(2)

- (d) NEW SUBDIVISIONS. It shall be the determination of the Plan Commission in their site plan review, taking into account the location of the subdivision, its proximity to schools, parks and its access to existing sidewalk or trail systems, as to whether sidewalk will be required. If the Plan Commission determines new sidewalk is required the cost of the sidewalk will be borne by the developer.
 - (e) CONDITION. Sidewalk is defective or in need of replacement if it is unsafe to walk across due to its surface being eroded or damaged or if it is pitched so that during more than 2 months of the year any part extends more than $\frac{3}{4}$ inch above or below the adjacent block, or if it is cracked through at any point for more than 8 inches or if it bears 3 or more cracks of any depth more than one foot long.
 - (f) INSTALLATION. Sidewalks shall be installed in accordance with City plans and specifications, and installation shall be inspected by either the Department of Public Works or Building Inspector.
- (3) SEWERS. (Am. Ord. #1193)
- (a) Eight Inch Main. The full cost of installation and replacement of 8-inch Sanitary Sewer Main shall be apportioned over the expected life of such Main and be included as part of the Sewer User charge as defined by §13.12 (4) of this Code.
 - (b) Oversized Sanitary Sewer Mains and Lift Stations shall not be assessed, but such costs included in determining the required Sewer User fee charge.
 - (c) Sewer Laterals shall be charged to the lot or parcel served.
- (4) WATER. (a) Water Mains. The full cost of water mains shall be borne by the owners of the abutting property.
- (b) Water Laterals. The full cost of water laterals shall be borne by the owners of the abutting property.
- (5) STORM SEWER. (a) Cost. The full cost of storm sewer improvements shall be borne by the benefiting property owners and shall be assessed on an area basis.
- (b) Laterals. The cost of storm sewer laterals shall be paid by the benefiting property owner.
- (6) PAYMENT FOR PUBLIC IMPROVEMENTS IN NEWLY DEVELOPED AREAS. See Sec. 18.11 of this Code.

STREETS AND SIDEWALKS 8.02 (7)

(7) **SUBMITTING PUBLIC WORKS TO BIDS** Pursuant to 62.15 and 66.29, WI. Stats., all major improvements such as curb and gutter, public sidewalks, sanitary and storm sewers shall be done by private contract after proper advertisement for bids and Council action, unless otherwise provided by resolution from time to time by the Council.

(8) **REPLACEMENT OF CURB AND GUTTER** (Am. Ord. #985; Am. Ord. #1209; Am. Ord. #1330)

- (a) If in the opinion of the Public Works Committee, or its designees, sections of curb and gutter need to be replaced, such replacement shall be installed according to Department of Public Works specifications, by contractors approved by the Department.
- (b) **REPLACEMENT.** Where curb and gutter already exist, but is found to be defective or otherwise in need of replacement and such defect or finding is due to normal wear, or the results of natural action such as tree growth, frost upheaval, erosion or as part of a street reconstruction the cost of the replacement shall be borne by the City.
- (c) **REPLACEMENT DUE TO HUMAN ACTION.** When curb and gutter is defective or otherwise in need of replacement as a result of the action whether intentional or not of the property owner, his contractor or other contractor, then the cost of curb and gutter replacement shall be borne by that party regardless of the age of the curb and gutter now rendered defective.

(9) **SPECIAL ASSESSMENTS** (Cr. Ord. #656; Am. Ord #763, Amd. Ord. #1193)

(a) **Computation.**

1. **Method.** When the computation of the assessable footage for water main improvements is required, it shall be established through the use of the building setback footage as measured along and parallel to any right of way within which said improvement is to be constructed. The building setback line distances can be ascertained by referring to any final subdivision plat approved by the Council. Building setback lines within subdivisions or plats approved prior to March 6, 1979 shall be determined by the Director of Public Works.

Where the assessable footage for a parcel is less than 60 feet, the assessment shall be based on 60 feet of frontage. Where watermain is first installed, but does not extend across the full frontage of a parcel, the assessment shall be based upon the entire assessable frontage of the parcel.

STREETS AND SIDEWALKS 8.02 (9)

2. Cost.

(a) The cost of the project shall be the sum of all direct (labor and material) and indirect (bond/loan interest, administration, applicable overhead, engineering, legal and similar fees) expenditures. The assessable cost shall be this cost divided by the number of lineal feet, as determined above, less an allowance for street right of way. That portion of the cost not allocated will be borne by the general fund and not further distributed to abutting property owners.

(b) Corner Parcels or Lots.

1. Curb, gutter and sidewalk installed on corner parcels shall be assessed in accordance with subs. (1) (b) and (2) above.

2. Water main and storm sewer installed on corner parcels shall be assessed as follows:

a. Improvement Placed on One Side. The assessment against the parcel shall be determined by applying the full per foot assessment against the assessable footage which shall be calculated as follows:

i. If the improvement abuts a property's short side or equal side (in the case of square lots), the assessable footage shall be the length of that side or 60 feet, whichever is greater.

ii. If the improvement abuts a parcel's long side, the assessable footage shall be that of the short side, as determined above, plus that portion of the long side which exceeds 120 feet.

b. Improvement Placed on Two Sides. The assessment against the parcel shall be determined by applying the full per foot assessment along the short side of the parcel plus that portion of the long side abutting the improvement in excess of 120 feet.

c. Improvement on Second Side. For an improvement placed on a second side of a parcel which has already been assessed for an improvement on the first side:

i. If the new improvement abuts the long side of a parcel, the assessable footage shall be the length of that side which exceeds 120 feet.

ii. If the new improvement abuts the short side, there shall be no further assessment.

STREETS AND SIDEWALKS 8.02 (9)

- (c) Deferred Assessments. Assessments may be deferred as follows:
 - 1. If the land is zoned for agricultural use and is currently used for agricultural purposes, the assessment charged may be deferred for 10 years or until such time as the use changes or a connection is made to the improvement. Such deferment shall apply to the entire parcel unless a certified survey map shows that the original parcel has been subdivided. In that case, a portion of the assessment shall apply to the abutting length of the new parcel, but not less than 60 feet.
 - 2. If the parcel has been assessed for an improvement on the short side, that portion of the long side deemed by the Director of Public Works to be currently serviced from the short side may be deferred until a connection is made to the long side or the property use changes. This deferment shall not apply to vacant land which can reasonably be developed.
 - 3. If an improvement abuts a parcel already serviced by an improvement, but which has not previously paid for the improvement, the improvement shall be assessed as in par. (b)2.a. above.
 - (d) Double Frontage Parcels or Parcels Between Two Parallel Streets. If the parcel may be reasonably divided, it shall be treated as 2 parcels and assessments shall be charged to that part of the parcel abutting an improvement. If the parcel cannot be divided, there shall be no assessment for the same benefit installed on the second frontage. The footage for assessment shall be the length of the property abutting the assessment or 60 feet, whichever is greater. If the property is also a corner parcel, the provisions for corner parcels listed above apply, guided by a determination of whether the parcel can or cannot be subdivided into 2 parcels.
- (10) STREET ASSESSMENT IN UNDEVELOPED LANDS (Rep. Ord. #845, Recr. Ord. 903)
- (a) When a new paved traveled street is to be built on undeveloped lands deeded to the City as right of way, then fifty percent (50%) of the curb and gutter costs and fifty percent (50%) of the cost of the applied hard surface (asphalt or concrete) will be assessed to adjacent property owners on a front foot basis. The cost of curb and gutter and road surface shall not include administrative or engineering fees.
 - (b) Undeveloped lands shall include all property where public Street has not previously existed to serve existing buildings.
 - (c) A standard City Street shall be 37 feet wide from back of curb to back of curb and shall include curb and gutter, a 9 inch stone base and a 3 inch asphalt pavement. The standard width may be reduced by the Council where low traffic volume is expected.
 - (d) On corner or multiple frontage lots, the first 120 feet of Street construction on the nonfront side(s) may not be assessed. If a parcel may reasonably be divided, the entire frontage shall be assessed.

§8.02(11)Downtown River Wall (Created Ord #1352)

a) Definition: Downtown River Wall- the Downtown River Wall in this section refers to the concrete sea wall along the north side of the Wolf River starting at Taft Park and ending at the Pearl Street Bridget.

b) Attachments or modifications: Any person or organization, who would like to attach any device or structure to the downtown river wall, whether permanent or temporary, must request approval from the Board of Public Works for such attachment. For attachments which include any type of drilling, screwing or anchoring into the wall, plans may be reviewed by the city's structural engineer, at a fee equal to the cost of engineering, to ensure the modifications to the wall will not jeopardize the integrity of the wall. If requests are approved, proposed improvements/modifications shall be completed by a licensed contractor. Said contractor and the applicant shall provide a certificate of insurance and make the city an additional insured based on the city's current insurance requirements for construction projects. Depending on the type of attachment, the applicant may be required to keep said insurance policy current as long as the item is attached to the wall. Both contractor and applicant will give the City a signed indemnification waving the city from any future action regarding the requested improvement(s) to the wall.

9/2018

8.03 STREET EXCAVATION (OPENING) PERMIT (Repealed & Recr Ord. #1149)

(1) PERMIT REQUIRED. No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the City without first obtaining a permit therefore from the Department of Public Works.

(2) BOND

(a) Before a permit for excavating or opening any street or public way may be issued, the applicant shall execute and deposit an indemnity bond in the sum of \$5,000, 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 this permit; fill up and place in good and safe condition all excavations and openings made in the street; 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; 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 two years after the restoration approval; pay all forfeitures imposed on him for any violation of any rule, regulation or ordinance governing street openings adopted by the Council; and 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 elects to make the street repair; the person opening the street will pay all costs of making such repair and of maintaining the same for two years.

(3) STREETS AND SIDEWALKS 8.03

- (a) Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond, but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.
 - (b) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above, and in the amount determined by the Council as necessary to adequately protect the public and the City.
 - (c) In lieu of furnishing an indemnity bond in the sum of \$5,000 as set forth above, an applicant will be permitted to file with the City a memorandum of Insurance or Certificate of Insurance indicating that there is in existence a policy of insurance which will adequately protect and safeguard the city and its officers in the same manner and to the same extent that the said City or officers would be indemnified and saved harmless had an indemnity bond been provided. The Director of Public Works and the City Attorney shall approve the said Memorandum of Insurance or Certificate of Insurance before it shall be acceptable as being offered in lieu of the indemnity bond.
- (4) INSURANCE. Prior to the commencement of excavation work, a permittee must furnish the Director of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of the excavation, public liability insurance of not less than \$100,000 for one person, \$300,000 for one accident and property damage of not less than \$50,000.
- (5) REGULATIONS GOVERNING STREET AND SIDEWALK OPENINGS
- (a) Frozen Ground. No opening in the street or sidewalk for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Works.
 - (b) Removal of Paving. In opening any street or other public way, all concrete and asphalt pavements to be removed shall first be sawed and shall be removed and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
 - (c) Protection of Public. Every person shall enclose with sufficient barriers each opening, which he may make in the streets or public ways of the City. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. State approved barricades with flashers, operating sunset to sunrise shall be placed sufficient in number and properly spaced to give adequate warning. Traffic control shall be in

STREETS AND SIDEWALKS 8.03(5)

accordance with the Manual of Uniform Traffic Control Devices for Streets and Highways current edition. No trench shall be excavated more than 100 feet in advance of pipe laying nor left unfilled for more than 100 feet where the pipe was been laid except by special permission from the Director of Public Works. All necessary precautions shall be taken to guard the public effectually from accidents and damage to persons or property through the period of work. Each person making such opening shall be held liable for all damages, as well as cost of any appeal, that might result from the neglect from each person and his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- (d) Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible to their original condition or position and the same relation to the remainder as before. Any excavated material that in the opinion of the Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be maintained for a period of two years.

In refilling the opening, the earth must be laid in layers not more than 12 inches in depth and each layer mechanically compacted to prevent after settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing lagging, sheathing or other lumber shall be left in any trench. The City may elect to have the City make the pavement repair for any street or sidewalk opening, in which case the cost of such repair and of maintaining it for two years shall be charged to the person making the street opening.

- (6) EXCAVATION IN NEW STREETS LIMITED.
Whenever the Common Council determines to provide permanent improvements or repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Common Council, the Director of Public Works shall notify in writing each person, utility, City department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed in 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the

STREETS AND SIDEWALKS 8.03(6)

date of improvement or repaving unless in the opinion of the Director of Public Works an emergency exists which makes it absolutely essential that the permit be issued.

- (7) EMERGENCY EXCAVATIONS AUTHORIZED.
In the event of an emergency and person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining a Street Opening Permit; provided, that such person shall apply for a Street Opening Permit no later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining a Street Opening Permit hereunder.
- (8) CITY WORK EXCLUDED.
The provisions of this section shall not apply to excavation work under the direction of the Street Superintendent by City employees or contractors performing work under contract with the City necessitating openings or excavations in City streets.

8.04 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) below.
- (2) EXEMPTIONS. The prohibition of sub. (1) above shall not apply to the following:
 - (a) Signs or clocks attached to buildings which project not more than 6 feet from the face of such building and which do not extend below any point 9 feet above the sidewalk, street or alley.
 - (b) Awnings which do not extend below any point 7 feet above the sidewalk.
 - (c) Public utility encroachments authorized by the City.

STREETS AND SIDEWALKS 8.04 (2)

- (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 more than 3 hours.
- (e) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Department of protected by barricades or appropriate lights.

8.044 CONTROL OF STREET TREES. (Cr. Ord. #870) (Repeal & Recr. Ord. #1068)

1. Definitions. (Amd. Ord. #1105) The Director shall refer to the Director of Public Works, his assignee or authorized representative.
2. Supervision and Control. The Director shall, subject to the supervision of the Council, and except as provided in this chapter, have jurisdiction, direction and authority, control and supervision over all trees planted and growing in and upon City-owned property, that part of every street lying between the lot line and the curb or curb line, and trees on any property which may in any way have effect upon public property, and upon the maintenance, protection and removal thereof.
3. Trimming--Owner Responsibility. Trees standing in and upon public street or place, or upon any lot or land adjacent thereto, and having branches projecting into the public street or place shall, upon the supervision of the Director be kept trimmed by the owner or owners of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance not less than fourteen feet, and over all other public places not less than ten feet from the ground. This provision shall not apply to newly planted trees, provided they do not interfere with persons upon the public street or place, or obstruct the light of any street light. Any tree not trimmed as herein provided shall be deemed hazardous.
4. Planting-- Permit--Requirements.

No trees except those listed in the selected public tree planting lists shall be planted in or upon any public street or place. Such trees shall be planted only after written permission has been received from the Director, which permits shall state the name of the applicant, address, the property on which the trees are to be planted and the type(s) to be planted.

No permit shall be issued for planting a tree between the curb and sidewalk where the distance between the outer line of the sidewalk and the curb line does not contain a width of four feet. The permit shall also state therein that the tree shall be planted equidistant between the curb line and the outer line of the sidewalk. The distance between trees shall be no closer than 25 feet for small tree species and 35 feet for large tree species of such intersection of the lot lines on any corner lot.

5. Planting Intent.

In any and all planting of trees on the City rights of way it shall be the intent to keep a well maintained, healthy, and diverse street tree population through the use of tree species which are well adapted to the urban environment.

5.1 Planting-between sidewalk and curblines-types permitted.

Only trees from the selected street and park tree planting list may be used in planting programs within the curblines and sidewalk. Only trees recommended for planting under utility lines may be used in such situations. Only under extraordinary circumstances may other species be planted, only if they meet all the planting criteria for that location ie. mature size, terrace area, clearance, and hardiness. These cases will be dealt with on an individual basis.

5.2 Planting - Other area-- Types Permitted. The following trees shall be restricted to areas other than between the sidewalk and the curb:

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Nut and Fruit trees with large or objectionable fruits. (Objectionable fruits are defined as any fruit which may litter a public sidewalk or roadway that public safety or property may be jeopardized.)

5.3 Planting- Types prohibited.

The following trees shall be prohibited:

Cottonwood *Populus deltoides*

Box Elder *Acer negundo*

Black Locust *Robinia pseudacacia*

Silver Maple *Acer saccharinum*

American Elm *Ulmus Americana*, or any other species of Elm, which is not resistant to the Dutch Elm Disease.

White Poplar *Populus alba*

Lombardy Poplar *Populus nigra italicia*

Tree of Heaven *Alianthus altissima*

Russian Olive *Eleagnus angustifolia*

Siberian Elm *Ulmus pumila*

Buckthorn *Rhamnus spp.*

5.4 Conditional Plantings.

- A. Conifers may be planted on city rights of way provided the trunk is no closer than 14 feet to the back of curb or 7 feet behind the existing public sidewalk. Also, it may not be closer than 35 feet from the intersection of 2 right of way lines and no closer than 20 feet to the edge of the nearest driveway.
- B. Trees other than those listed above can be planted if it can be shown that those trees either closely related specimen and or exhibit the same desirable traits as those species accepted.
- C. Only trees whose anticipated mature height is less than 30 feet may be planted under overhead lines. A list of trees suitable to be planted under power lines will be selected by the N.L. Tree Board and approved by the Director of Public Works. The species on this list should be planted for 4-5 years or until their population equals 10% of the total street tree population. At that time, a new list of trees will be selected for this situation.

6. Dangerous trees -- Treatment and removal procedures on private land.

- A. Any tree or part thereof, which the Director upon examination, finds to be infected or hazardous so as to be injurious to or to endanger the public or be injurious to sewers, curbs, sidewalks, or other public improvement shall be removed by the property owner. If the owner fails to remedy the situation upon receipt of a 14 day written personal notice, from the Director, the City shall treat or remove such tree or part thereof.
 - B. The City official or employee shall keep an accurate record of the labor and cost of treatment or removal of the tree or part thereof, and report the same to the City Administrator, who shall thereupon enter the cost of such treatment or removal of the tree or part thereof and charge the same against the property owner, and the cost thereof shall be entered as an assessment against the property. Any property owner given a notice as heretofore provided may by written notice to the Council, postpone the treatment or removal of the tree or part thereof by the city. He shall have the right to appeal the order in the notice he received, at the next regular session of the council. The determination of the council upon appeal of the order in the notice of the property owner for the destruction of a tree or part thereof pursuant to this section, shall be final.
 - C. In every case removal shall include the disposal of all brush, branches, heartwood, and stump. Curbside deposit shall not constitute removal under this section. If it becomes necessary for the City to complete any part of the removal process, those costs will be assessed back against the property owner who accepted the removal responsibility and the City shall not be liable to the responsible property owner for any material removed.
7. Dangerous Trees-- Treatment and removal procedures on public lands and rights of way.
- A. Any tree or part thereof, which the Director upon examination, finds to be infected or hazardous so as to be injurious or to endanger the public or be injurious to sewers, curbs, sidewalks, or other public improvements growing upon public premises or rights-of-way, shall be removed or treated by the Department of Public Works.
 - B. The cost of removal or treatment of all trees or parts thereof incurred under this section shall be the responsibility of the city and the trees or parts thereof so removed shall be the property of the City.

8. Parkway-- Owner responsibility.

The adjacent property owner shall maintain the grass, shrubs, and other greenery in the parkway. Upon failure to comply with this section, the Director shall give a written order requiring such maintenance.

9. Tree Protection- Damage to Trees

A. It is unlawful for any person to cause damage or destruction to public trees and shrubs by accident or intentionally: except as authorized by prior permission from the Director of Public Works. A violation of this section includes, but shall not be limited to, the following acts within the City.

1. Attach any sign, poster, handbill, electrical installation, wire or other device or material to, around, or through a public tree or shrub.
2. To permit or cause fire to burn where it may kill or injure any public tree or shrub.
3. To allow any wire charged with electricity to come in contact with any public tree or shrub, or allow any toxic chemical, smoke, oil, gas or other substance that may kill or damage any public tree or shrub to come in contact with its leaves or roots.
4. To use tree spurs or climbers when working in public trees, except when the tree is being removed.
5. To remove any guard, stake, pole or other device intended for the protection or stabilization of a public tree or to close or obstruct any open space around the base of a public tree designed to permit access to air, water and fertilizer.
6. To erect, alter, repair, raze or move any building, structure or other large object without placing suitable guards around the public trees or shrubs which may be injured by such operations. It shall be the responsibility of the owner thereof to repair or replace any public tree or shrub injured or killed by such operations. If it is found that movement of any tree is necessary to allow for such operations, the cost of the movement shall be borne by the owner of the object.

7. To excavate any ditch, tunnel, hole, trench or place any driveway within a radius of 15 feet from any public tree or shrub except by those persons under written permit from the Director of Public Works or when an emergency situation exists. Any person making any such excavation will pay the cost of replacement tree(s) destroyed as the result of the excavation, as reasonably determined by the Director of Public Works.
8. To top any public tree. Topping is defined as a severe cutback of leaders and main scaffold branches to stubs within the tree as to remove the normal canopy and disfigure the tree. Trees damaged by storms or other causes, or trees under utility lines or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Director of Public Works.
9. To prune Oak trees on public or private property from April 15 to September 1, except by written permission from the Director of Public Works. If wounding of Oak trees occurs during this time under any circumstances, a nontoxic tree wound dressing may be applied. (The dates listed are recommended guidelines to prevent the spread of Oak Wilt Disease *Ceratocytis fagacearum*).

10. Landscape Plan Review- New and Existing Trees

In the development of new subdivisions or commercial property, The Planning Commission will review landscape plans provided by the developer and may require that, street trees be planted or payment in lieu of planting be made in the amount of \$250.00 per tree, for any of the streets, parking lots, parks, and other public places abutting lands henceforth developed and/or subdivided. The developer will submit a tree removal plan that shows exact trees to be removed to install infrastructure for new developments. The developer will also provide a plan specifying methods of protecting trees not listed for removal.

11. Permit Violation -

It shall be a violation of this ordinance for any person to perform work under a permit contrary to the permit terms and provisions of this ordinance. A permit violator shall be responsible for the repair and replacement of any tree damaged or destroyed due to defective work or non compliance with this ordinance for two (2) full growing seasons following completion or performance of work.

12. Unlawfully Planted Trees-

Trees, plants, or shrubs planted within any terrace or planting easement without the authorization and approval of the Director may be removed.

The Director shall notify the abutting owner in writing, listing the unlawfully planted trees or plants ordering their removal, and establishing a reasonable time within such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the City may remove such trees, plants or shrubs and assess the costs thereof to the owner.

- 8.05 MOVING BUILDINGS. (1) PERMIT REQUIRED. No person shall move any building into or within the City without a permit from the Building Inspector upon 30 days notice, designating the streets and alleys along which the building is sought to be moved. Such permit shall state the date upon which the work is to commence in moving the building, a description of the building and its location, the place to which such building is sought to be moved, the name of the owner of such building, the name of the person who is performing the work, the name of the streets and alleys along which the building may be moved, and a certificate of liability insurance obtained by the mover or owner of such building which will cover all damages which may be caused by said moving.
- (2) PERMIT FEE (Am. Ord. #772). For any building that is moved by use of heavy moving trucks or rollers, the fee shall be \$25. For any building that is moved by the use of common carrier trucks or skids, the fee shall be \$2. Such fees shall include the fee for a permit to rebuild or alter the building upon its new location within the City.
- (3) POLICE TRANSIT ASSISTANCE (Amd. Ord. #1096). The Police Department shall provide transit assistance at the request of the building mover. Request for assistance shall be directed to a Police Supervisor, and must be made at least 2 weeks prior to the scheduled move. All wage, overtime and fringe benefit costs arising from such assistance shall be billed to the requesting mover.
- (4) NOTICE TO UTILITIES. Prior to the issuance of said permit, the owner and/or mover shall certify that he has 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.
- (5) 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 Building Inspector. The Building Inspector shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of the Building Inspector, the Council 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.

STREETS AND SIDEWALKS 8.06

- 8.06 SNOW AND ICE REMOVAL. (Am. Ord. 969). (1) SIDEWALKS TO BE KEPT CLEAR. The owner or lessee of every lot or parcel of land in the City, fronting or abutting upon a sidewalk shall clear the sidewalk in front of or abutting upon said premises, as the case may be, of snow and ice within 24 hours after the same has ceased to fall thereon. The owners or lessees of corner lots shall be responsible for removing ice and snow to the intersection.
- (2) SNOW AND ICE REMOVAL BY CITY. If snow and ice is not removed within 24 hours pursuant to sub (1) above, the Public Works Department will remove the snow and ice with the cost of said removal being assessed as a special tax against the property. The cost will be at a minimum of \$75.00 with any additional cost being based on the cost of labor and materials to the City as submitted by the Director of Public Works.
- (3) SNOW NOT TO BE DEPOSITED IN STREETS. 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. This does not apply to sidewalk removal on North Water and Pearl Streets in the downtown business area.
- 8.07 HOUSE NUMBERING PLAN. (1) UNIFORM NUMBERING SYSTEM ESTABLISHED. There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the City, and all houses and buildings shall be numbered in accordance with the provisions of this section. There shall be a number in a conspicuous place fronting on a street, not less than 3 inches in height, on each of such buildings.
- (2) FRONTAGE ASSIGNED. In numbering such buildings, a set of 100 numbers shall be assigned to each block and one number for each 20 feet of frontage in the business district on North Water and South Pearl Streets, not extending further west than Shawano Street and South to Beacon Avenue and one number for each 30 feet of frontage in the residence district of the City, using only as many numbers as may be found necessary to give one number to each 20 or 30 feet as the case may be.
- (3) BASE NUMBERING ESTABLISHED. (a) On Pearl Street the numbers shall commence at the building on the west side of that Street which is nearest to the Wolf River, and there from be assigned progressively south. And on all streets on the south side of the Wolf River running north and south, the blocks shall have the same numbers as the blocks on Pearl Street respectively east and west thereof. Law and Wallace Streets, Millard and Bruce Streets and Warren and Douglas Streets shall be considered as respectively continuous.

STREETS AND SIDEWALKS 8.07 (3)

east and west thereof. Law and Wallace Streets, Millard and Bruce Streets and Warren and Douglas Streets shall be considered as respectively continuous.

- (b) On Beacon Avenue the numbers shall commence next to Pearl Street and there from be assigned progressively east and west and on streets on the south side of the Wolf River running east and west, the blocks shall have the same numbers as the blocks on Beacon Avenue respectively north and south thereof Dickinson and Dexter Streets, and Shawano and Jefferson Streets shall be considered respectively continuous.
 - (c) On the streets running east and west on the north side of the Wolf River, the numbers shall commence next to Pearl Street and there from be assigned progressively east and west and the streets running north and south shall have the numbers commence next to the Wolf River and be assigned progressively north there from.
 - (d) On the north side of the Wolf River where any street is intersected by a street extending there from on one side only, the numbers shall be assigned on the block opposite such intersecting street, from the point of intersection in the same manner as though such intersecting street continued through such block.
- (4) ODD AND EVEN NUMBERING ASSIGNED. The even numbers shall be on the east side of all streets running north and south, and on the south side of all streets running east and west, and the odd numbers shall be on the west side of all streets running north and south and on the north side of all streets running east and west.
- (5) VIOLATIONS. If the owner or occupant of any building required to be numbered by this section shall neglect for a period of 20 days duly to attach and maintain the proper number on such building, the Building Inspector shall serve upon him a notice requiring such owner or occupant properly to number the same, and if he neglects to do so for 10 days after the service of such notice, he shall be deemed to have violated this section.

8.08 STREET NAMES. The Clerk-Treasurer shall maintain a complete file of plats upon which is indicated the following information:

- (1) Names of all streets.
- (2) The following original ordinances name the streets in the City: 71, 91, 93, 159, 208, 236, 280, 288, 300, 346 and 397.

8.08m REQUEST FOR DISCONTINUANCE OF A PUBLIC WAY (Cr. Ord. #1156)

- (1) Procedure. Persons requesting that the City vacate a street, road, lane or alley shall do so by petition according to the requirements of Chapter 66.1003 Wis. Stats. 2003-4 as amended.
- (2) Filing fee. Said petition shall be filed with the City Clerk with a fee of \$200 to cover the publication and mailing of required notices and other administrative costs.

8.09 OFFICIAL MAP. (1) The Official Map of the City adopted on February 1, 1954, pursuant to §62.23(6), Wis. Stats., as amended by Ordinance *290, passed August 17, 1954, Ordinance #301 passed July 24, 1956, Ordinance #358 passed July 17, 1962, Ordinance #381 passed November 2, 1965, and Ordinance #465 passed May 15, 1972, be amended so that the location and widths of certain streets, highways and parkways shall be as laid out on a map prepared by the Department of Resource and Development, Planning Division, dated June 1966, and as laid out on an amending map to said 1966 map, prepared by Ray P. Pelishek, Director of Public Works, dated August 5, 1968.

- (2) Upon the adoption of this section, the Clerk-Treasurer, together with the Mayor, shall certify on the original of said map, dated June 1966, as amended August 5, 1968, that the same is part of the official City Map, by endorsing thereon the date of the passage of this section, and signing their official title thereto.
- (3) AMENDMENTS. (Stop Signs/Yield Signs). Ordinances #515, 519, 520, 524, 531, 533, 534, 535, 649, 760, 774, 796, 800, 821, 827, 832, 837, 847, 851, 852, 858, 942, 944, 966, 1005, 1039, 1043, 1046, 1049, 1062, 1078, 1091, 1100, 1101, 1113, 1114, 1126, 1127, 1140, 1175, 1177, 1179, 1199, 1329

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