

Chapter 234
STREETS AND SIDEWALKS
[Amended 10-14-2021]

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| <p>§ 234-1. Grades.</p> <p>§ 234-2. Sidewalk construction and repair.</p> <p>§ 234-3. Driveways.</p> <p>§ 234-4. Excavations and openings.</p> <p>§ 234-5. Regulations governing openings.</p> <p>§ 234-6. Excavations in new streets limited.</p> <p>§ 234-7. Emergency excavations authorized.</p> | <p>§ 234-8. Village work excluded.</p> <p>§ 234-9. Obstructions and encroachments.</p> <p>§ 234-10. Street privilege permit.</p> <p>§ 234-11. Snow and ice removal</p> <p>§ 234-12. Terrace areas.</p> <p>§ 234-13. Contracts for public structures or utilities.</p> |
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[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 4, Ch. 1 of the 1984 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Bicycles, roller skates and skateboards -- See Ch. 108.
Numbering of buildings -- See Ch. 118.
Snowmobiles -- See Ch. 232.

Vehicles and traffic -- See Ch. 265.
Water and sewers -- See Ch. 270.
Subdivision of land -- See Ch. 295.

§ 234-1. Grades.

- A. Establishment.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and recorded by the Village Clerk-Treasurer in his office. No street, alley, or sidewalk shall be worked until the grade thereof is established.
- B. Alteration of grade prohibited.** No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village unless authorized to do so by the Village Board or the Superintendent of Public Works. All such alterations of grade shall be recorded in the office of the Village Clerk-Treasurer by the Clerk-Treasurer or the officer authorizing the alteration.
- C. Existing grades and curbs.** All grades and curb-lines which were previously established by the Village shall remain in force and effect until such time as they may be changed by resolution of the Village Board.

§ 234-2. Sidewalk construction and repair. [Amended 10-14-2021]

A. Owner to construct.

- (1) It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Genoa City and to pay the entire cost thereof. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village of Genoa City, it shall proceed according to Village Ordinance
- (2) The cost for sidewalk construction, relay, or repair shall be paid through special assessments over a 10 year period, unless modified by the Village Board.
- (3) Provided, however, that when sidewalk replacement is due to a Village road construction project, then the abutting property owner shall not be specially assessed for the cost and the Village shall be responsible for the entire cost of such sidewalk replacement.

B. Standards. Sidewalks must be installed on both sides of the street, unless modified by the Village Board

- (1) Property owners may repair their adjacent sidewalk at any time, or when deemed necessary by the Village Board; however once a street project has been announced at a Village Board meeting, all sidewalk construction, repair, or relay shall be done by a Village hired contractor as bid as part of the project.
- (2) New or relaid sidewalks shall be 5-foot wide and 5-inch thick concrete, except 7-inch thick minimum across driveways.

C. Permit required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Genoa City unless he is under contract with the Village to do such work or has obtained a permit there-for from the Superintendent of Public Works at least seven days before work is proposed to be undertaken. A fee shall be charged for such permits.

§ 234-3. Driveways. [Amended 6/9/16]

A. Approval required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Superintendent of Public Works.

B. Specifications for driveway construction.

- (1) **Width.** See §310-63.
- (2) **Interference with intersections prohibited.** At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.
- (3) **Interference with street.** No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Superintendent of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
- (4) **Number of approaches limited.** No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Superintendent of Public Works. Any two approaches shall be at least 10 feet apart.
- (5) **Permittee liable for damage or injury.** The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.

§ 234-4. Excavations and openings.

- A. **Permit required.** No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Genoa City without first obtaining a permit therefore from the Superintendent of Public Works.
- B. **Fee.** The fee for a street opening permit shall be as set by the Village Board and shall be paid to the Village Clerk-Treasurer who shall issue his receipt therefor.
- C. **Bond.**
 - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk-Treasurer an indemnity bond, approved by the Village President, in the sum of \$5,000 conditioned that he will indemnify and save harmless the Village of Genoa City and its officers from all liability for accidents and damage caused by any of the work covered by his permit and that he will fill up and place in good and safe

condition all excavations and openings made in the street and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Superintendent of Public Works for a period of one year and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that, if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

- (2) Recovery on such bond for any accident, injury, or 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.
- (3) An annual bond may be given under this section covering all excavation work done by the principal for one year, beginning January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

B. Insurance. Prior to commencement of excavation work, a permittee must furnish the Superintendent of Public Works satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation public liability insurance of not less than \$100,000 for one person and \$300,000 for one accident and property damage insurance of not less than \$50,000.

§ 234-5. Regulations governing openings.

- A. Frozen ground.** No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Superintendent of Public Works.
- B. Removal of paving.** In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- C. Protection of public.** Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one yellow light or torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Superintendent of Public Works, no trench shall be excavated more than 250 feet in

advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- D. Replacing street surface.** In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Superintendent of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than six inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

§ 234-6. Excavations in new streets limited.

Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 14 days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Superintendent of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Superintendent of Public Works an emergency exists which makes it absolutely essential that the permit be issued.

§ 234-7. Emergency excavations authorized.

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

§ 234-8. Village work excluded.

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

§ 234-9. Obstructions and encroachments.

- A. Obstructions and encroachments prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B.
- B. Exceptions.** The prohibition of Subsection A shall not apply to the following:
- (1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.
 - (2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
 - (3) Public utility encroachments duly authorized by state law or the Village Board.
 - (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided that such goods, wares, etc., do not remain thereon for a period of more than two hours.
 - (5) Temporary encroachments or obstructions authorized by permit under § 234-10.
 - (6) Excavations and openings permitted under §§ 234-4 through 234-8 and Chapter 270, Water and Sewers, and Chapter 305, Wellhead Protection, of this Code.
- C. Removal by Village.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within 24 hours after notice from the Superintendent of Public Works to do so, it shall be the duty of the Superintendent of Public Works to remove such obstruction and make return of the cost and expense thereof to the Village Clerk-Treasurer, who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

§ 234-10. Street privilege permit.

- A. When required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Superintendent of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or

demolition of any building or structure, provided such applicant has complied with the other requirements of this section and has obtained a building permit if required by Chapter 114, Building Construction, of this Code.

- B. Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond, in an amount determined by the Superintendent of Public Works, conditioned that the applicant will indemnify and save harmless the Village of Genoa City from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- C. Fee.** The fee for a street privilege permit shall be as set by the Village Board.
- D. Conditions of occupancy.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Superintendent of Public Works for violation thereof:
- (1) Such temporary obstruction shall cover not more than 1/3 of any street or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
 - (4) The process of moving any building or structure shall be as continuous as practicable until completed and if ordered by the Superintendent of Public Works shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the Superintendent of Public Works.
 - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- C. Termination.** All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Superintendent of Public Works.

§ 234-11. Snow and ice removal.

- A. Responsibility of owner, occupant.** The owner or occupant of any lot or land within the Village of Genoa City abutting upon any public street along the line of which a sidewalk shall have been constructed shall, whenever the sidewalk shall be encumbered with snow or ice, clear the sidewalk side to side and full length of the property within 24 hours after the cessation of each snow fall. In case it is impossible or impractical to remove the ice there from he shall treat the same with sand, salt or some other substance until removed, so that such sidewalk will not be slippery or dangerous to pedestrians. In case of the failure of any owner or occupant to remove such snow or ice from such sidewalk or to treat such ice as hereinbefore set forth within the time aforesaid, it shall be the duty of Superintendent of Public Works to do so, and the expense of such removal or treatment shall be \$100.00 per hour with a minimum charge of \$100.00 per lot and \$200.00 per corner lot which shall become a special tax charge against the property to be collected in the manner hereinafter specified. The Village Clerk/Treasurer shall keep an accurate account of the expenses of clearing ice and snow in front of each lot or parcel of land. The Clerk/Treasurer shall then invoice each parcel of land for clearing of ice and snow by the Public Works Department. The Clerk/Treasurer shall annually enter such expense on the tax roll as a special charge against each such lot or parcel of land if invoice has not been paid by November 1st of that year, and the same shall be collected in all respects like other general property taxes upon real estate. All monies collected shall be put in to the equipment fund to replace equipment
- B. Owner liability.** If the abutting property owner fails to comply with the provisions in Subsection A of this section, he shall assume primary liability for damage or injury to property or persons resulting from such failure².

§ 234-12. Terrace areas.

- A. Definition.** "Terrace" shall be as defined in Chapter 251, Trees and Shrubs, § 251-2.
- B. Noxious weeds; paving.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- C. Responsibility to maintain.** Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

§ 234-13. Contracts for public structures or utilities.

- A. Authorization.** Pursuant to §§ 61.56 and 62.15, Wis. Stats., the Village Board may, by a three-fourths vote of all the elected Trustees, authorize the entering into of a contract of not more than \$15,000 with any individual, firm, partnership or corporation for the purpose of the construction or improvement of public structures, works or utilities in the Village of Genoa City without submitting the same for bids³.
- B. Accounting of costs and expenses.** Whenever the Village Board shall have authorized a contract for the construction or improvement of any public structures, works or utilities or part thereof as provided in Subsection A above, without submitting the same for bids, the Village Clerk-Treasurer shall keep an accurate account of the cost thereof, including the necessary overhead expense. Upon the full performance of said contract the Village Clerk-Treasurer shall make a complete report thereof to the Village Board, stating in detail the items of cost and the total cost of doing such work, and the Village Clerk-Treasurer shall publish such report as a part of the proceedings of the Village Board.

2. Editor's Note: Original §4-1-11(c), Depositing snow and ice on highways or streets, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now § 194-9, **Depositing snow on streets**, and §265-12D, Moving snow into streets.

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)