

Chapter 6 Public Works

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6.01 Street and Sidewalk Grades.

- 1) Establishment. The grade of all streets, alleys and sidewalks shall be established by resolution of the Town Board, when and wherever necessary, and the same recorded by the Town Clerk or Town Contract Engineer in his office. No Street, alley or sidewalk shall be worked until the grade thereof is established.
- 2) Alterations of Grade prohibited. No person shall alter the grade of any street, alley sidewalk or public ground or any part thereof in the Town of Hustisford by any means whatsoever unless authorized or instructed to do so by the Town board or the Director of Public Works. All such alterations of the grade shall be recorded in the office of the Town Clerk by the Clerk or the officer authorizing the alterations.
- 3) Penalty. The Penalty for Violation of any provision of this Section shall be a penalty as provided in Sec. 15.06 of this code.

6.02 Sidewalk Construction and Repair.

- 1) Owner to Construct. 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 Town of Hustisford and to pay the entire cost thereof. Whenever the Town 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 Town of Hustisford, it shall proceed according to the Wisconsin Statutes.
- 2) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the town of Hustisford unless he is under contract with the Town to do such work or has obtained a permit therefore from the director of Public Works at least seven (7) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- 3) Specifications. (Optional) All sidewalks within the town of Hustisford hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:
 - a) Subgrade. The Subgrade shall be prepared by excavating to the line, grade and cross section as established by the town Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the Subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Director of Public Works a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the Subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.

- b) Material. All sidewalks shall be of air entrained concrete composed of six (6) bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality and washed. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
- c) Forms. Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank at least two (2) inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist Subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.

To provide adequate drainage the sidewalk shall slope toward the curb at a minimum rate of $\frac{1}{4}$ inch per foot of width of sidewalk. All joints and edges shall be finished with a $\frac{1}{4}$ inch radius edging tool.
- d) Width and Thickness. Residential walks shall be four (4) feet in width and not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this section. Sidewalks in front of commercial or industrial establishments shall be not less than eight (8) feet in width and five (5) inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.
- e) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before final finishing, the surface shall be checked with a 10-foot straight edge and any area departing more than $\frac{1}{8}$ inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
- f) Jointing. Transverse, full depth, $\frac{1}{2}$ inch thick expansion joints of permolded expansion material shall be located every 40 feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least one inch in thickness and $\frac{5}{16}$ inch in depth, shall be placed at intervals of approximately five (5) feet. Steel division plates shall be placed at angles to the centerline of the sidewalk at intervals of not less than fifteen (15) feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Director of Public Works.
- g) Curing and Drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient caused for suspension of the work. Curing shall be accomplished by the "impervious

coating.” “Wet Fabric” or “Paper” methods. For impervious coating or membrane curing, only those materials meeting requirements of ATM specs C156-44 T, “method of Test for Efficiency of materials for Curing Concrete” shall be used. Said specifications are hereby adopted by reference as it fully set for herein. Walks shall be kept free from all traffic at normal temperatures for 48 hours and in cold weather (below 50 degrees F.) for 96 hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F in any 72 hour period or upon frozen Subgrade.

- 4) Penalty. The penalty for violation of any provision of this Section shall be a penalty as provided in Se. 15.06 of this code.

6.03 Driveways.

- 1) Approval Required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Director of Public works.
- 2) Specifications for Driveway Construction.
 - a) Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Town Board.
 - b) Interference with Intersections Prohibited. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersections area and shall not occupy areas of the roadway deemed necessary by the town Board for effective traffic control or for highway signs or signals.
 - c) 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 Director of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at the own expense.
 - d) 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 Director of Public Works. Any two (2) approaches shall be at least ten feet apart.
 - e) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Sec. 6.02 (3) of this Code insofar as such requirements are applicable, including thickness requirements in Sec 6.02 (3) (d).
 - f) 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. Any sidewalk area which is damaged or is inadequate

by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of Sec. 6.02 (3).

- 1) Penalty. The penalty for violation of any provision of this Section shall be a penalty in Sec 15.06 of this code.

6.04 Street and Sidewalk Excavations and Openings.

- 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 Town of Hustisford without first obtaining a permit therefore from the Director of Public Works.
- 2) Fee. Fee for a street opening permit shall be \$10.00 and shall be paid to the Town Treasurer who shall issue his receipt therefore.
- 3) Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Town Clerk an indemnity bond, approved by the Town chairman, in the sum of \$50,000 conditioned that he will indemnify and save harmless the Town of Hustisford 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 conditions in which he found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of one year, and that he will pay all fines imposed upon him for any violation of any rules, regulation or ordinance governing street openings damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Town. Such bond shall also guarantee that if the Town shall elect to make such street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

- 4) Insurance. Prior to 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 excavation, public liability insurance of not less than \$300,000 for one person, \$500,000 for one accident and property damage insurance of not less than \$100,000.
- 5) Regulations Governing Street and Sidewalk 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 Director 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 of public ways of the Town. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the

permittee, his agent or employees. Warning lamps shall be kept burning from sunset to sunrise, one warning 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 Director 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 person making such opening shall be held liable for all damage, including costs incurred by the Town 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 to their original condition or position and the same relation to the remainder as before. Any excavated material which, 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 complete 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 (6) inches in depth and each layer 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 Town may elect to have the town 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.
- 6) Excavation in New Streets Limited. Whenever the Town Board determines to provide for the permanent improvement 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 Town Board, the Director of Public Works shall notify in writing each person, utility, Town department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said 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 (5) years after the 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 any 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 here under.

- 8) Village Work Excluded. The provisions of the Section shall not apply to excavation work under the direction of the Director of Public Works by town employees or contractors performing work under contract with the Town requiring openings or excavations in the Town streets.
- 9) Penalty. The penalty for violation of any provision of this Section shall be a penalty as provided in Sec. 15.06 of this Code.

6.05 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 own or occupant, except as provided in Sub. (2)
- 2) Exceptions. The prohibition of Sub (1) shall not apply to the following:
 - a) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
 - b) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.
 - c) Public utility encroachments duly authorized by state law or the town board.
 - d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk provided such goods, wares, ect., do not remain thereon for a period of more than two (2) hours.
 - e) Temporary encroachments or obstructions authorized by permit under Sub. (3)
 - f) Excavations and openings permitted under Sect 6.04.
- 3) Street Privilege Permit.
 - a) When required. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Town may be granted to applicants by the Director of Public Works for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by Sec 8.01 of this code.
 - b) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Town Clerk a bond in an amount determined by the Director of public Works, conditioned that the applicant will indemnify and save harmless the Town of Hustisford from all liability 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 Town resulting from such building or moving operations.
 - c) Fee. The fee for a street privilege permit shall be \$10.00
 - 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 Director of Public Works for violation thereof:

- (1) Such temporary obstruction shall cover not more than one-third (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 (4) feet in width guarded by a closed fence at least four (4) 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 director 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 Director 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 the public travel at the expense of the permittee.
- a) Termination. All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Director of Public Works.
- 4) Removal by Town. 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 of the Director of Public Works to do so, it shall be the duty of the Director of Public Works to remove such obstruction and make return of the cost and expense thereof to the Town Clerk 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.
- 5) Penalty. The penalty for violation of any of the provisions of this section shall be a penalty as provided in section 15.06 of this Code.

6.06 Snow and Ice Removal.

- 1) Responsibility of Owner, Occupant, Etc. The owner, occupant or person in charge of each and every home, building or structure or unoccupied lot in the Town of Hustisford fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot as the case may be of snow or ice to the width of such side walk twenty four (24) hours after the snow ceases to fall, and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust, salt or sand.

- 2) Penalty. In the event of noncompliance of above, the Town shall order its employees to clear same and charge the owner accordingly. Nonpayment of bill shall cause this to be added to the owner's real estate tax as a special assessment.

6.07 Creation of Park Board; Tree Trimming, Sanitation, Park Department Operations.

- 1) The Town Board shall provide for the appointment of a Park Board to consist of at least five (5) members, all of whom have demonstrated a high degree of interest and appreciation of trees and scenic values and who are genuinely interested in the preservation of existing trees and shrubs and in the further improvement of Town streets and development of parks and parkways by caring for or planting trees. The members of the Park Board shall serve for a period of two years, appointments to be made at the organizational meeting, each odd numbered year. The Town Board shall provide the Park Board with an annual appropriation sufficient to properly perform its duties. All actions of the Park Board shall be subject to Town Board approval.
- 2) It shall be unlawful for any private person, public employee, or public utility to injure, mutilate, trim, cut down, or destroy any shade tree, natural shrubbery or trees growing within any street, roadway, riverbed, riverbank, or within any memorial or recreational park, or on any public lands within the incorporated limits of the Town of Hustisford at anytime, unless express permission has been granted by the majority of the members of the Park Board at a regular meeting of the Park Board.
- 3) It shall be unlawful to plant or encourage any catalpa, cottonwood, mountain ash, butternut, walnut, or fruit tree along any public street, alley, or roadway. Nothing, however, shall prevent the planting or maintaining of these trees on private property or along the banks of the Rock River below the dam or in any public park where tree planting programs for landscape improvement has been inaugurated. The Park Board shall proceed to eliminate the above species deemed undesirable for public lands and arrange for their replacement as soon as possible.
- 4) Any tree or part thereof growing on any private property within the Town limits which the Park Board shall find to be diseased, hazardous, or endangering other trees or shrubs of the public improvements shall, upon the direction of the Park Board, be treated, trimmed or removed by the owner of the private property upon which such tree or part thereof is located. If the owner fails to treat, trim, or remove the particular tree designated for such care by the Park Board, the Park Board shall cause the tree to be cared for and shall report the cost thereof to the Town Clerk who shall enter the cost as a special assessment against said property owner.
Any tree or part thereof growing on any public street, alley, roadway within the Town limits which the Park Board shall find to be diseased, hazardous, or endangering other trees shrubs, or the public, or which is seriously injurious to sidewalks or other public improvements shall, upon direction of the Park Board, be treated, trimmed, or removed by the Town and the cost thereof entered against the adjacent property owner as a special assessment. If, however, the adjacent property owner elects to assume the responsibilities for the care of any trees, subject to the direct supervision of the Park Board, he may do so.
- 5) All trees on public property and all trees on adjacent private property shall be pruned so that the lowest branches projecting over any public street, alley or sidewalk shall provide overhead clearance of at least ten (10) feet and that no dead, broken or diseased branches exist, which will constitute a public hazard.

- 6) It shall be unlawful to place any private trash burning barrels, garbage cans or any other type of refuse container within or upon any public lands, parks, streets or alleys within the Town limits at any time, or to encroach upon any other public park for the driving or parking of cars.
- 7) The Park Board shall make annual surveys and appraisals of all existing trees on public lands, provide for any supervise the trimming, removal and disposal of any tree which is disease or dangerous or undesirable or which is injurious to other trees, sidewalks or other public improvements, shall initiate an active and continuous tree planting program along all streets and on all public lands herein described: shall provide for the trimming of trees on all public lands in accordance with approved forestry practices and no cutting back of crowns shall ever be permitted, unless they are so situated that parts thereof seriously interfere with telephone or electrical transmission or other utility lines. The Park Board shall also provide for spraying, preservation. Protection or such other care of trees and shrubs as may be deemed necessary or desirable.
The Park Board shall meet on the first Tuesday of March, July and October of each year, and at such other times as conditions may require. The Park Board shall manage, control, improve and care for all public parks, public lands and parkways located within the Town in such manner as to guarantee the quiet, orderly, suitable use and peaceful enjoyment thereof by all the people, and to prescribe appropriate rules and regulations and equipment, and shall erect signs or publish notices which will most effectively encourage and promote such purposes.
- 8) The penalty for violation of any provision of this Section shall be a penalty as provided in section 15.06 of this Code.