

CHAPTER 9

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9.01 OFFICIAL MAP.

(1) Adopted. Pursuant to s. 62.23(6), Wis. Stats., the Official Map of the Village is hereby adopted by reference. The Official Map and amendments thereto shall be kept in the office of the Clerk-Treasurer and recorded as required by law.

(2) Amendments to Official Map: None

(3) Annexations to Village: By separate ordinance

9.02 STREET GRADES.

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

(2) 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 or instructed to do so by the Village Board or the Director of Public Works. All such alterations of grade shall be recorded in the office of the Clerk-Treasurer.

9.03 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS.

(1) Permit Required. No person shall, without first obtaining a permit from the Director of Public Works, make any opening in any street, alley, sidewalk or any public way within the Village. No permit shall be granted when the ground is frozen unless the Director determines such opening is necessary.

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

(3) Fee. The permit fee shall be set forth in the official fee schedule on file at the Village office.

(4) Insurance. A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for one person, \$1,000,000 for any one accident and \$50,000 for property damage.

(5) Requirements for the Protection of the Public. Every permittee shall enclose each opening which he may make in the streets and public ways of the Village with sufficient barricades and barricade lights in order to warn the traveling public.

(6) Excavation, Refilling and Repaving Requirements. The permittee shall comply with all Village Board rules and regulations governing excavation, refilling and repaving and shall be responsible for any costs incurred by the Village. The permittee shall make a determination whether or not sheathing and bracing shall be required. The permittee shall notify the Director of Public Works when repaving has been completed. In the event caving occurs within one year of the completion of the project, the permittee shall be responsible for restoring the street.

(7) Emergency Excavations Authorized. In the event of an emergency, any person owning or controlling any sewer, conduit or utility in or under any street may take immediate 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 immediately notify the Village President or the Police Chief and shall apply for an excavation permit not later than the end of the next succeeding business day.

(8) Village Work Excluded. The provisions of this section shall not apply to excavation work done under the supervision of the Director of Public Works by Village employees or contractors performing work under contract with the Village necessitating excavation in Village streets.

9.04 SPECIAL ASSESSMENT PROCEDURE.

(1) Alternate Method Selected. As provided in s. 66.0701, Wis. Stats., in addition to other methods provided by law, special assessments for any public work or improvement may be

levied by alternate methods. The Village Board hereby elects to levy such special assessments as provided in this section.

(2) Preliminary Resolution. Whenever the Village Board shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.

(b) The limits of the proposed assessment district.

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.

(d) The number of installments in which the special assessments may be paid, or that the number of installments shall be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and shall be included in the final resolution.

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property, or that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

(g) The Village Engineer shall prepare a report as required by sub. (3) below.

(3) Report of Village Engineer. Whenever the Village Board, by preliminary resolution, directs the Village Engineer to prepare a report, the Village Engineer shall prepare a report consisting of the following:

(a) Preliminary or final plans and specifications for the public work.

(b) An estimate of the entire cost of the proposed work or improvement, except that when the Village Board determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvement, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.

(c) A schedule of the proposed assessments.

(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis for such benefit.

(e) Upon completion of the report, the Village Engineer shall file a copy of the report with the Clerk-Treasurer.

(4) Incorporation of Statutory Provisions. The provisions of s. 66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

(5) Lien. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Village Board determining the amount of such levy.

9.05 PUBLIC IMPROVEMENTS AND ASSESSMENTS.

(1) General Application.

(a) The installation of any public improvement shall be an exercise of the police power of the Village, as may from time to time be determined by the Village Board, and the property served shall be assessed pursuant to the provisions of ss. 66.0701 and 66.0702, Wis. Stats.

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

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

(2) Sewer and Water Mains.

(a) All sewer and water main extensions shall be constructed by the Village in accordance with specifications established by the Sewer Superintendent.

(b) All utilities and sewer mains and service laterals to the abutting property shall be installed before any street is permanently surfaced or resurfaced.

(c) Special assessments for all sewer and water main extensions shall be levied at 100% of the total cost of construction.

(3) Streets.

(a) Streets shall be constructed by the Village in accordance with specifications established by the Village Board.

(b) Special assessments for all new streets hereafter constructed shall be levied at 100% of the total cost of construction. The cost of constructing streets in existing platted areas and maintaining and resurfacing existing streets shall be borne by the Village.

(4) Curb and Gutter.

(a) Curb and gutter shall be constructed by the Village in accordance with specifications established by the Village Board.

(b) Special assessments for all new curb and gutter shall be levied at 100% of the total cost and replacement curb and gutter shall be borne by the Village.

9.06 SIDEWALK, DRIVEWAY, AND APRON SPECIFICATIONS

(1) The following specifications pertain equally to concrete sidewalks, sidewalk ramps, aprons, and concrete driveways, whether the particular item of construction is mentioned or not.

(2) Materials. The concrete to be installed shall be a uniform workable mix using not less than 6 full bags cement per cubic yard and so proportioned to produce a compressive standard of not less than 4000 PSI. The mix shall not have more than 6 gallons of total water per bag of cement and shall have a slump of 2" to 5" as determined by standard methods. The concrete shall have not less than 5% nor more than 7% entrained air developed by an approved entraining agent.

(3) Preparation of Sub-Base. The sub-base upon which the sidewalk is to rest shall be 4 inches of compacted approved granular material and shall extend 6 inches outside the forms. Whenever wet, spongy or soft materials are encountered, such material shall be excavated and replaced with 6" of gravel. Prior to the placement of concrete, the sub-base shall be thoroughly moistened or covered with plastic or bituminous paper.

(4) Placing Concrete. The concrete shall be deposited to the proper depths, thoroughly consolidated, spaded against forms, struck off and finished to the required section. All sidewalks shall be not less than four feet wide nor less than five inches thick except at driveways where it shall be six inches thick. Replaced sections of sidewalk shall be installed to match the plane of surrounding sections and shall not shrink or settle more than 1/2" (plus or minus) in one year. All sidewalks shall be pitched for drainage.

(5) Finishing. The face of the sidewalk shall be struck, trawled, or floated and finished with a broom finish. The edges adjacent to the edge forms shall be rounded with a 1/4" edger. Only enough pressure shall be used on the 1/4" edger to remove the sharp corners.

9.07 SIDEWALKS.

(1) Sidewalks shall be located in such places and at such grades as designated by the Village Board and shall be constructed in accordance with standards established by the Village Board.

(2) The Village Board shall determine when to replace and repair damaged sidewalk and shall determine where new sidewalk will be located. The Village Board may establish an annual installation, repair and replacement program consistent with budgetary appropriations.

(3) The Village Board shall pay 100% of the cost for installing, replacing and repairing sidewalk. However, the property owner shall be responsible for the cost of installing, replacing or repairing:

(a) Sidewalks damaged by the property owner, agent or contractor working on behalf of the property owner.

(b) New sidewalk or repair or replacement of existing sidewalk, if the property owner desires such installation, repair or replacement and the Village Board has not identified such sidewalk as in need of installation, repair or replacement.

(c) The cost of repairing, replacing or installing sidewalks that have been removed, installed, repaired or replaced without a permit.

(d) Permit Required. No person shall install, remove, replace or repair any public sidewalks within the Village unless he or she has obtained a permit from the Village Board at least seven days before work is proposed to be undertaken. Permit fee shall be set forth in the official fee schedule on file at the Village office.

(e) The grade, materials and width of all sidewalks shall be as set forth in section 9.06.

9.08 DRIVEWAYS

(1) No person shall construct any new driveway across any sidewalk or curbing without first obtaining a driveway permit from the Director of Public Works. The applicant for a driveway permit shall file the application with the Director and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 150 feet of the proposed driveway. Permit fee shall be set forth in the official fee schedule on file at the Village office.

(2) Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk unless approved by the Village Board.

(3) 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 for effective traffic control or for highway signs or signals. All driveways should be a minimum of 50 feet from of an intersection in residential districts and 150 feet in commercial and industrial districts.

(4) Interference with Street Prohibited. No driveway apron shall extend out into the street farther than the face of the curb or roadway surface.

(5) Number of Driveways Limited. No more than one driveway shall be constructed for any residential lot or premises without the approval of the Village Board.

(6) 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. 9.06 of this chapter.

(7) Cutting Curb. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat workmanlike manner.

(a) Upon approval, the Village will hire a firm to make the curb cut. The cost will be determined prior to the work being done and will be due from the applicant before the curb is cut. The applicant is responsible for the removal of the discarded curb material.

(8) Permittee Liable for Damage of 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 areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replaced in accordance with the requirements of Section 9.06.

9.09 EXCAVATIONS AND OPENINGS

(1) Permit Required. No person shall make or cause to be made any excavation or opening in any street or sidewalk, or under any utility wires, within the Village of Montfort, without first obtaining a permit therefor from the Village Clerk. Said permit shall be issued without fee.

(2) Removal of Paving. In opening any sidewalk or street 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.

(3) Protection of Public. Every person shall enclose with sufficient barriers each opening which he may make in the sidewalks or streets of the Village. 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. No person shall cause any sidewalk or street to be blocked due to such excavation for a period of more than 48 hours.

(4) Replacing Sidewalk or Street Surface. In opening any sidewalk or street 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 Village President is not suitable for refilling shall be replaced with approved backfill material.

(5) 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 or sidewalk and his agent 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.

(6) Village Work Excluded The provisions of this section shall not apply to excavation work under the direction of the Village Board by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village streets.

9.10 OBSTRUCTIONS AND ENCROACHMENTS.

(1) Prohibited. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2) below.

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

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

(b) Temporary encroachments or obstructions authorized by permit granted pursuant to s. 66.045, Wis. Stats.

- (c) Excavations and openings permitted under sec. 9.09 of this chapter.
- (d) Dumpsters, if prior to placement of same a permit has been obtained from the Village Clerk, subject to the following terms and conditions:
 - (i) Payment of a per dumpster permit fee set forth in the Village's official fee schedule on file at the clerk's office, which shall be valid for a twenty-one (21) day period from date of issuance.
 - (ii) Renewal for the permit must be requested 3 days prior to expiration and review/approval may be granted by the Director of Public Works, Village President or their designees. No single renewal period shall last for more than twenty-one (21) days, and a renewal fee as set forth in the Village's official fee schedule on file at the clerk's office.
 - (iii) Dumpsters allowed hereunder shall be secured via reflective barricades or cones.
- (e) Any damage done to the public street, sidewalk, or any other municipal property shall be repaired solely at the permit applicant's expense.
- (f) Failure to obtain a permit or comply with the terms of the permit or failure to remove the dumpster upon expiration of the permit shall be grounds for the Village, or Village's contracted agent, to remove the dumpster at the permit applicant's expense, and a forfeiture on not less than \$50 nor more than \$200, per day the dumpster is illegally located on a public street or sidewalk in the Village.
- (g) A waiver of the permit due to extenuating circumstances, including, but not limited to, flood recovery and clean-up and other natural disasters may be granted by the Director of Public Works, Village President or their designee.

9.11 MATERIALS PROHIBITED ON VILLAGE STREETS.

(1) No person shall place or leave upon any street or alley grass cuttings, leaves, tree limbs or branches, cut vegetation, snow or dirt. The owner or tenant of any property from which grass cuttings, leaves, tree limbs or branches, cut vegetation, snow or dirt is removed and placed upon any street or alley shall, after receiving notice that such material has been deposited upon a street or alley, promptly remove such material from the street or alley.

(2) Removal by Village. Failure to remove grass cuttings, leaves, tree limbs or branches, cut vegetation, snow or dirt, as required under sub. (1) above, shall be and is declared to be a nuisance and, in an addition to the penalty provided for violation of this section, the Village may summarily remove any grass cuttings, leaves, tree limbs or branches, cut vegetation, snow or dirt so accumulated or deposited and cause the cost of said removal to be charged to the owner or occupant of the property from which said grass cuttings, leaves, tree limbs branches, cut vegetation, snow or dirt has been removed. If not paid within 30 days, such charge shall be

extended upon the current or next tax roll as a special charge, as provided in Wis. Stat. § 66.0627.

9.12 SNOW AND ICE REMOVAL.

(1) Responsibility of Owner or Occupant. The owner or occupant of every lot or parcel of land in the Village in front of or abutting upon a sidewalk shall clear such sidewalk of snow and ice within twenty-four (24) hours after such snow or ice has accumulated thereon. In the event snow or ice shall become frozen so hard it cannot practically be removed, the owner or lessee shall sprinkle the sidewalk with sand, salt, sawdust or other suitable material and shall clean such sidewalk as soon as weather permits.

(2) Deposit of Snow Regulated. Except for business places having no front setback, no person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.

(3) Removable by Village. Failure to remove snow and ice, as required under sub. (1) above, or the deposit of any snow or ice upon any sidewalk, alley or street of the Village contrary to the provisions of sub. (2) above shall be and is declared to be a nuisance and, in addition to the penalty provided for violation of this section, the Village may summarily remove any snow or ice so accumulated or deposited and cause the cost of said removal to be charged to the owner or occupant of the property from which said snow or ice has been removed. A minimum of one hour will be billed. If not paid within 30 days, such charge shall be extended upon the current or next tax roll as a delinquent property tax, as provided in Wis. Stat. § 66.0627.

9.13 WEED AND LAWN CONTROL.

(1) Noxious Weeds and Rank Growth Prohibited.

(a) No owner or occupant of any lot or parcel shall allow such property to become overgrown with any weeds or grass so as to constitute a public nuisance, as defined in sec. 5.03(8) of this chapter.

(b) No owner of property within the Village shall permit the lawn or vegetation on such property to exceed the height of eight (8) inches. This section shall apply whether the property is occupied or unoccupied.”

(2) Notification. The Village President shall annually, on or before May 15, publish a Class 2 notice, under Ch. 985, Wis. Stats., that every person is required by law to destroy all noxious weeds and other rank growth of vegetation, as defined in sec. 5.03(8) of this chapter, on land in the Village which he owns, occupies or controls.

(3) Enforcement. If a property owner fails to control the growth of such weeds, lawn or rank growth of vegetation on his or her property, the Village President or Law Enforcement

shall serve upon him or her notice as to this fact. If such owner fails to abate this nuisance within 5 days after service of the notice, the Village President or Law Enforcement will take action to abate such public nuisance. If within 10 days of the first notice the property owner has not controlled the growth of weeds and grass the village will remove the nuisance per sub (4).

(4) Costs. If the Village causes a nuisance to be removed as provided in sub. (3) above, the actual cost thereof, together with an administrative fee equal to 10% of the actual cost, shall be charged to the property owner. A minimum of one hour will be billed. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes.

9.14 MOVING BUILDINGS.

(1) Permit Required. No person shall move any building into or within the Village without a permit from the Director of Public Works upon 30 days' notice.

(2) Application. Application for a permit shall be made on a form provided by the Director of Public Works.

(3) Permit Fee. For any building that is moved by use of heavy moving trucks or rollers, the fee shall be set forth in the official fee schedule on file at the Village office.

(4) Bond Required. Before a permit is issued, the mover must give a bond in the amount of \$10,000 with good and sufficient sureties to be approved by the Village Attorney conditioned that the mover shall save the Village harmless from any liability arising out of the move and shall restore any street damaged by the move. This provision may be waived for small buildings.

(5) Insurance Required. Before a moving permit shall be issued, the applicant shall submit to the Director of Public Works a certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit public liability insurance of not less than \$500,000 for any one person, \$1,000,000 for any one accident and \$50,000 for property damage.

(6) Notice to Utilities. Prior to the issuance of said permit, the owner 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 and may charge the permittee the cost thereof.

(7) Inspection and Repair of Streets and Highways. Every permittee shall, within one day after reaching his destination, report that fact to the Director of Public Works. The Director shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the moving of said building has caused any damage to the streets or

highways, the 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 Director, the Village shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

9.15 STREET NUMBERING SYSTEM ESTABLISHED.

(1) Building to Have Street Numbers. Each principal building in the Village shall be assigned to an official street number by the Village Clerk. All lots and parts of lots in the Village shall be numbered in accordance with a street numbering map on file in the office of the Village Clerk. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

(2) Street Numbers to Be Displayed. The owner, occupant or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him or her, the official street number, assigned to that building as provided in s. (1) hereof. The physical numbers provided herein shall be not less than two and one-half (2-1/2) inches high on a background of not less than three (3) inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.

(a) Multifamily dwellings of more than two units shall be assigned one address number with extension assigned for each unit. Multifamily dwellings shall have distinct markings adjacent to the door to identify the individual units.

(3) Noncompliance. If the owner or occupant of any building neglects for twenty (20) days after the effective date of this section to duly attach and maintain the proper numbers on the building, the Village shall serve him or her a notice requiring him or her to properly number the same, and if he or she neglects to do so for ten (10) days after service, it shall be the duty of the Village to have the physical numbers affixed as required under s. (2); and said Village shall keep an account of such expense against each lot or parcel of ground and shall make a certified report of the same to the Village Clerk of the amount therein charged to each said lot or parcel of land, which shall be entered by said Village Clerk on the next tax roll of said Village as a special tax against said premises.

9.16 SALE OR DISPLAY OF MERCHANDISE PROHIBITED.

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

9.17 PENALTY.

The penalty for violation of any provision of this chapter shall be a penalty as provided in sec. 13.05 of this Code. A separate offense shall be deemed committed on each day on which a violation of this chapter occurs or continues.