

CHAPTER 8

STREETS AND SIDEWALKS

- 8.01 Official Map
- 8.02 Street and Sidewalk Grades
- 8.03 Excavations
- 8.04 Sidewalk Construction and Repair
- 8.05 Curb and Gutter Construction
- 8.06 Obstructions and Encroachments
- 8.07 Snow and Ice Control
- 8.08 Coasting Prohibited
- 8.09 Trees
- 8.10 Penalty

8.01 OFFICIAL MAP

- (1) An official map of the City of Reedsburg is hereby established to conserve and promote the public health, safety, convenience and general welfare, a copy of which is on file in the City Clerk's office at the Reedsburg City Hall.
- (2) Said official map shall show the streets, highways, parkways, parks, and playgrounds heretofore laid out, adopted and established by law.
- (3) The City Clerk shall file with the Register of Deeds for Sauk County, Wisconsin, a certificate showing that the City has established an official map.
- (4) The placing of any street, highway, parkway, park or playground line or lines upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishing of any street, parkway, or playground, or the taking or acceptance of any land for such purpose.
- (5) For the purpose of preserving the integrity of such official map, no permit shall hereafter be issued for any building in the bed of any street, highway or parkway shown or laid out on such map and no permit for the erection of any building shall be issued unless a street, highway or parkway giving access to such proposed structure has been duly placed on such map, except as provided in Sec. 62.23(6), paragraphs (D) and (G), Wis. Stats. The proper official authorized to issue building permits may require each applicant to submit a plot plan certified by a registered survey and showing accurately the location of any proposed building with reference to any street, highway or parkway shown on the official map. The streets, highways or parkways shown on the official map may be shown as extending beyond the boundaries of the City a distance of 1 1/2 miles as provided by Sec. 236.06, Wis. Stats. Any person desiring to construct a building in the bed of a street, highway or parkway so shown as extended may apply to the building inspector for a building permit. Unless such application is made and the permit granted, or not denied within 30 days, such person shall not be entitled to compensation for damage to such building in the course of construction of the street, highway or parkway. If the land within such mapped street, highway or parkway is not yielding a fair return, the Board of Appeals may in a specific case, by the vote of a majority of its members, grant a permit for a building in such street, highway or parkway, which will, as little as practicable, increase the cost of opening such street, highway or parkway, or tend to cause a change of such official map; and such board may impose reasonable requirements as a condition of granting such permit, which requirements shall be designed to promote the health, convenience, safety or general welfare of the community. Such board shall refuse a permit where the applicant will not be substantially damaged by placing his building outside the mapped street, highway or parkway.
- (6) Subdivision Plat Recommendations. The Plan Commission shall require uniformity with the official map in recommending approval of any subdivision plat.

8.02 STREETS AND SIDEWALK GRADES

- (1) Establishment. The grade of all streets, alleys and sidewalks shall be established by the Common Council and recorded by the City Clerk in his/her office. No street, alley or sidewalk shall be worked until the grade thereof is established.
- (2) Alteration of Grades Prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground in the City unless authorized to do so by the Board of Public Works.

8.03 EXCAVATIONS

- (1) No person or utility shall make or cause to be made any excavation in or under any street, alley or sidewalk nor shall any curb be cut in the City without first obtaining from the Board of Public Works a written permit for undertaking such excavation. Fees as provided in Chapter 32 shall be made for each opening, which shall be paid at the time of application.
- (2) The application for such excavation permit shall state the purpose for which the permit is desired and the location of the proposed excavation, which shall contain an agreement that the applicant will pay all damages to persons or property, public or private, caused by the applicant, his agents, employees, or servants in the doing or erection of the work for which the permission is granted, and that he will save the City free and clear of any damages or claims against it by reason of the application of the work for which the permit is granted. Any applicant may be required, as a condition to the granting of a permit, in the discretion of the street committee, to file a bond in such amount as the street committee shall determine to leave the street, sidewalk or alley in as good condition as the same was in when the work was commenced, to at all times keep the place where the excavation was made properly guarded by day and lighted by night, and to save the City harmless from any and all damages, cost and charges that may accrue from the applicant's use of such street, sidewalk or alley by reason of such excavation.
- (3) When excavations are made under this section, the excavations shall not be larger and shall not be left open longer than the necessities of the work demand. In refilling the excavations, such as soil, stone and screen shall be thoroughly and properly replaced, and the surface of the street, sidewalk or alley left in as good condition as the same was in before the excavation.

8.04 SIDEWALK CONSTRUCTION AND REPAIR

Sec. 66.0907, Wis. Stats., shall apply. *(Rev. 7-28-08)*

8.05 CURB AND GUTTER CONSTRUCTION *(Rev. 10-26-09)*

It is the policy of the City to have curb, gutter and sidewalks on all existing and future streets. To effectuate this policy, the following procedures will be followed:

- (1) An owner of unimproved land abutting on an existing opened street who improves said property by erecting buildings thereon shall install curb, gutter and sidewalk along the street abutting said land where curb, gutter or sidewalk do not exist. No building permit shall be issued until application for such curb, gutter and sidewalk grade has been made. The finished lawn or surface grade shall conform to the sidewalk grade.
- (2) No street shall be opened or improved unless curb and gutter are installed, at the expense of the abutting landowners, by the City, either directly or by contract, at the time the street is opened. No application for the opening and improving of a street shall be granted unless accompanied by an application for curb and gutter signed by all owners of land abutting on the street to be opened.
- (3) If the owner of any parcel of land fails to construct the curb, gutter and sidewalk, in a timely manner as required by the City, said construction may be performed by the City either directly or by contract and the cost may be charged to the property owner.
- (4) If the Common Council determines that curb, gutter and sidewalk shall be constructed on any street in the City, it may be constructed by the City, either directly or by contract, and the cost thereof shall be charged to the property owner.
- (5) All subdivisions created after January 1, 1990 shall be subject to the same curb and

8.05 Curb and Gutter Construction

gutter requirements as set forth above; however, sidewalks shall be installed in the subdivision upon the occurrence of any of the following events:

- (A) The passage of 24 months from the date that any property within the subdivision is sold or transferred by the developer.
 - (B) The sale or transfer of 75 percent of the lots within the subdivision, or
 - (C) The passage of five years from the date that the original subdivision plat is approved.
- (6) The costs of constructing curb and gutter may be specially assessed pursuant to city code and state law. The costs of constructing sidewalk may be assessed pursuant to code sec. 8.04 and Wis. Stat. § 66.0907.

8.06 OBSTRUCTION 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 is the owner or occupant, except as provided in subsection (2) of this chapter.
- (2) Exceptions. The prohibition of subsection (1) shall not apply to the following:
 - (A) Signs or clocks attached to buildings which project no more than 6 feet from the face of such building and which do not extend below any point 10 feet above the sidewalk, street or alley.
 - (B) Awnings which do not extend below any point 7 feet above the sidewalk, street, or alley.
 - (C) Public utility encroachments duly authorized by state law or by the Common Council.
 - (D) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than 3 hours.
 - (E) Obstruction and encroachments are not to exceed 10 minutes except for dumpsters associated with construction/remodeling projects, so long as the dumpster has reflective tape or paint of at least 36 square inches in an area on each side of each corner of the dumpster. Dumpsters shall not be left on the street within 15 feet of an intersection or within 4 feet of a driveway. Dumpsters shall not be left on the street for more than 30 consecutive days. The vendor of the dumpster shall be identified on the dumpster. *(Rev. 1-14-08)*
 - (F) Tables and chairs for the consumption of food and non-alcoholic beverages may be situated within 15 feet of the property line but not more than 1/3 of the width of the sidewalk, whichever is less.
 - (G) Merchants within the Business Improvement District may display merchandise and provide tables, benches and chairs for customer seating and/or for the service of food and non-alcoholic beverages, as approved by the Business Improvement District Board, within 15 feet of the property line but no more than 1/3 of the width of the sidewalk, whichever is less. *(Rev.7-9-07)*

8.07 SNOW AND ICE CONTROL *(Rev. 01-26-09)*

- (1) The owner of any lot or parcel abutting on public sidewalk shall remove all snow, ice, dirt, rubbish, or refuse matter from the sidewalk. If ice has formed on the sidewalk and cannot be removed, then the owner shall be responsible for sprinkling the ice with a material that will prevent slipping. An owner's responsibility to remove, or cause to be removed, dirt, rubbish or refuse matter shall be a continuing responsibility. The owner of a lot or parcel used for

8.07 Snow and Ice Control

commercial purposes shall be responsible for clearing, or causing to be cleared, all snow and ice from the abutting sidewalk by 9:00 a.m. of the morning after the snow has ceased. All other owners of lots or parcels in the City of Reedsburg must clear, or cause to be cleared, the abutting sidewalks on or before 6:00 p.m. on the day set forth above. If the owner does not comply with this section, the street superintendent may cause the work to be done and the expense reported to the City Clerk who shall enter such expense on the tax roll as a special tax against the premises. The expenses so charged for the work performed will be \$1.00 per foot for a contractor to remove the snow from the sidewalk along with a \$100.00 administrative fee, in addition to any citations being issued to the property's owner. This ordinance shall not apply to sidewalks installed on the west side of Viking Drive (Highway H) between Huntington Park Drive and Eighth Street. *(Rev. 9-27-10)*

- (2) Depositing snow in streets is prohibited. No person shall push, shove or in any way deposit any snow or ice onto any public street, alley, sidewalk or public lands as dedicated for public use except for parcels in the downtown business district where the sidewalk exists from the edge of the building to City right-of-way curb line. In such instances, the owners, occupants and/or employees of owners of said parcels or lots in the downtown business district shall be permitted to deposit snow and ice from the sidewalks onto the public streets.

8.08 COASTING PROHIBITED

- (1) No coasting with wagons, sleds, skates, skateboards or other devices on sidewalks shall be permitted in the City.
- (2) Reserved for future use. *(Rev. 11-14-11)*

8.09 TREES *(Rev. 11-8-10)*

- (1) Purpose. The purpose of this section is to promote and protect the public, health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within public areas of the City of Reedsburg.
- (2) Administration. The Parks and Recreation Committee shall govern the City's Forestry Program and shall appoint the Parks Director and Public Works Director, or designee, to direct, manage, supervise and control the planting, maintenance, removal and protection of trees and shrubs in the City of Reedsburg, including other duties of an urban forestry program. This Ordinance provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, parks and public places of the City; and to trees, plants, and shrubs located on private property that constitute a public hazard or threat as described herein.
- (3) Planting, Maintenance & Removal. No person shall plant, cut, trim, prune, remove, spray, or otherwise treat trees, plants, or shrubs within the public areas of the City without prior approval from the Parks Director or Public Works Director. The trees shall be planted at least 35 feet apart. No person shall plant, set out or propagate in any public street, parkway, tree bank or any public place excluding parks any of those species of trees commonly known as silver maple, poplar, willow, catalpa, box elder, elm or any non-resistant disease variety thereof or as currently listed by the Parks and Rec Committee.
- (4) Landscaping. For the development of new subdivisions or commercial property covered in section 17.14 of this Municipal Code, the Plan Commission, with a recommendation from the Parks Director or Public Works Director, shall review landscaping plans and may require street trees to be planted in any of the streets, parking lots, parks, or public places abutting lands developed and/or subdivided.

8.09 Trees

- (5) Injury. Pruning is permitted, but no person shall injure any tree or shrub planted in any such public place. Pruning of public trees and shrubs shall conform with the standards set forth in ANSI A300 – 1995 or the most recent version thereof. Tapping trees for maple syrup shall require approval from the Parks Director or Public Works Director.
- (6) Advertisements or Notices. No person shall attach any sign, advertisement or notice to any tree or shrub in any street, parkway or other public place.
- (7) Dangerous Trees. Any tree or shrub which overhangs any sidewalk, street or other public place in the City in such a way as to impede or interfere with traffic or travel on such public place or which obstructs any street lamp or interferes with the fire alarm wires, may be trimmed by the Utility at City expense or any limb of a tree which has become likely to fall on or across any public way or place shall be removed by the owner of the premises on which such tree grows or stands, or by the utility or City at property owner's expense.
- (8) Wires. No person shall attach any wire or other rope to any tree without permission of the Park Committee. Any person or company given the right to maintain poles and wires in the streets, alleys or other public places in the City shall, in the absence of provision in the franchise concerning the subject, keep such wires and poles free from and away from any trees or shrubs in such places so far as may be possible and shall keep all such trees and shrubs properly trimmed and subject to the supervision of the Park Committee, so that no injury shall be done to the poles or wires or shrubs and trees by contact.
- (9) Tree Banks to be Kept Clear of Man-Made Objects. No man-made objects of any kind shall be permitted to be placed on the tree banks within the City, with the exception of utilities and necessary traffic signs and regulations, mail boxes and installations provided by governmental services, as the Council sees fit.
- (10) Removal of Trees. Any infected or infested tree as listed by the Parks and Rec Committee or dangerous tree found in the City on private property shall be ordered removed within a 30 day period. The City will remove the tree and charge the owner therefor if not done within 30 days.
- (11) Penalty. Any person who shall violate any provision of section 8.09 shall be subject to a penalty as provided in Sec. 25.04 of this municipal code, plus any costs associated with the enforcement.

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 municipal code.