

TITLE 5

Public Works

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CHAPTER 1

Grades

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SEC. 5-1-1 ESTABLISHMENT OF GRADES.

- (a) **Grades to be Established.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Common Council and the same recorded by the City Clerk-Treasurer in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by resolution, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed.
- (b) **New Sidewalk Grade.** Whenever a street shall be constructed for the first time or the street improved and a new grade is established, the grading of the sidewalk shall be let by contract with the other work, and the expense thereof shall be provided for and borne in all respects like that of the street.

State Law Reference: Sections 62.14(7) and 62.16, Wis. Stats.

SEC. 5-1-2 ALTERATION OF GRADE PROHIBITED.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Thorp by any means

whatsoever unless authorized or instructed to do so by the Common Council, or Public Works and Utility Committee. All such

alterations of grade shall be recorded in the office of the City Clerk-Treasurer.

SEC. 5-1-3 REGULATION OF UNDERGROUND UTILITIES.

- (a) **Elevation.** The grade or elevation of all underground construction shall be minimum of three (3) feet below the established grade of the street, alley, park, public property or easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.
- (b) **Approval of Location.** The location of any and all such underground construction must have the approval of the Common Council, or Public Works and Utility Committee.
- (c) **Filing Plans.** Complete plans for any such construction must be filed with and be approved by the Common Council or Public Works and Utility Committee before construction can begin.
- (d) **Inspection.** On request of the Common Council or Public Works and Utility Committee, the utility company must provide opportunity for City officials to check any construction before it may be covered.
- (3) **Conflict with Other Utilities.** If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction at the election of the Common Council, or Public Works and Utility Committee, and in accordance with its directions and specifications.
- (f) **Establishment of Grade.** At the request of the utility company, the Common Council or Public Works and Utility Committee shall, at the City's expense, give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.
- (g) **Emergency.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Common Council or Public Works and Utility Committee, as soon thereafter as is reasonably possible.
- (h) **Restoration of Surface.** In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure so to do, the City may proceed to place the surface of the ground or street

in such condition at the utility company's expense. Such work shall comply with the provisions of Sections 5-?-? and 5-?-?.

- (i) **Non-Relief from Obligations.** Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travelway, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.