

## CHAPTER 2

### Streets and Sidewalks

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#### **SEC. 5-2-1 REMOVAL OF RUBBISH AND DIRT FROM SIDEWALKS.**

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Director of Public Works, the Director of Public Works may cause the same to be done and report the cost thereof to the City Clerk-Treasurer who shall enter the cost on the tax roll as a special tax against the premises, pursuant to Section 66.60(16), Wis. Stats., or such cost may be recovered in an action against the owner or occupant.

#### **SEC. 5-2-2 CONSTRUCTION AND REPAIR OF SIDEWALKS.**

##### **(a) Sidewalk Repair or Construction.**

- (1) It shall be the duty of the abutting owner to build and construct new sidewalks along or upon any street, alley or highway in the City of Thorp. The cost of sidewalk installation, or construction shall be paid by the property owner. Whenever the Common Council 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 City of Thorp, it shall proceed according to Section 66.615, Wis. Stats.
- (2) All sidewalks within the City shall be repaired, rebuilt and constructed in accordance with the

specifications of this Section.

- (b) **Sidewalk Permit Required.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the City unless he is under contract with the City to do such work or has obtained a permit therefor from the City Clerk-Treasurer at least seven (7) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (c) **Standard Specifications for Sidewalk.**
- (1) General. Concrete sidewalk construction shall meet the specifications and provisions set forth in this Section and shall be constructed in locations and to line and grade as established by the City.
  - (2) Subgrade. Subgrade shall be six (6) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft, porous and unsuitable subgrade 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.
  - (3) Concrete. The minimum quantity of cement per cubic yard shall be six (6) sacks of ninety-four (94) pounds each. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test three thousand (3,000) pounds compression in twenty-eight (28) days.
  - (4) Forming. 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. Forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of mortar, and all forms shall remain in place for twenty-four (24) hours after pour.
  - (5) Jointing, Floating and Finishing. Soon after screening and while the concrete is still plastic, the surface shall be floated with wood, cork or metal floats or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half (2) inch expansion thick and four (4) inches wide and five (5) feet long or premolded material shall be located every thirty (30) feet. Sidewalks must be marked off to make blocks five (5) foot square and be at right angles to the parallel lines. Any new sidewalk adjoining an old sidewalk or a sidewalk which

abuts curb and gutter shall have one-half by four (2x4) inch expansion joints of premolded material.

- (6) Slope. All forms must be approved by the Director of Public Works, or his designee, before concrete is poured. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (3) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (3) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a one (1) foot strip of street property left between the property line and the edge of the sidewalk.
  - (7) Width and Thickness. Residential walks shall be five (5) feet in width and not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches and butt to established grade line. Sidewalk width in front of commercial or industrial establishment shall be eight (8) feet or as determined by the Common Council or Streets and Grounds Committee.
  - (8) Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish in transverse direction. Edges and joints shall be given a finish with a one-quarter (3) inch radius edging tool. Dry cement shall not be spread on a wet surface to take up excess water. Finishing operations shall be delayed until water has disappeared. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather [below fifty (50°) degrees F.] for ninety-six (96) hours.
  - (9) Curing. Concrete shall be kept moist by sprinkling, covering or a combination of both for a minimum of five (5) days.
  - (10) Cold Weather Requirements. When the temperature is less than forty (40°) degrees F., all concrete placed in the forms shall have a temperature between fifty (50°) degrees F. and seventy (70°) degrees F. and shall meet the requirements as per Wisconsin Department of Transportation specifications for cold weather concrete.
- (e) **Illegal Sidewalks**. No sidewalk which shall be constructed

contrary to the provisions of this Section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this Section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

State Law Reference: Section 66.615 Wis. Stats.

**SEC. 5-2-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS.**

- (a) **Permit Required.** No person, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation in any public street, public alley, public way, public ditch, public ground, public sidewalk or City-owned easement within the City of Thorp without a permit therefor from the City Clerk.
- (b) **Application for Permit.** The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the City Clerk, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The City Clerk shall determine if sufficient information is submitted.
- (c) **City Work Excluded.** The provisions of this Section shall not apply to excavation work under the direction of City departments or employees or to contractors performing work under contract with the City necessitating openings or excavations in City streets.
- (d) **Validity of Permit.** Permits shall be valid for a period of thirty (30) days from the date of approval, except as provided under Section 5-2-4(g) for pavement replacement.
- (e) **Renewal of Permit.** If operations under an approved permit will continue beyond the thirty (30) day validation period, the permittee shall apply for a thirty (30) day permit renewal by written request to the City Clerk. Permit renewals shall be issued at the discretion of the City Clerk.
- (f) **City Standards.** All street work shall be performed in accordance with the current standard specifications for street openings found in this Section and Section 5-?-?. Any damaged curb and gutter, sidewalk or grass-covered area

shall be restored to the condition prior to damage.

- (g) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the City Clerk satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$1,000,000.00 per one (1) person, \$1,000,000.00 for one (1) accident and property damage coverage of not less than \$1,000,000.00. The policy shall name the City of Thorp as the third-party insured.
- (i) **Warranty and Guarantee.** A permit shall be issued only upon the condition that the applicant will indemnify and save harmless the City of Thorp 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 openings 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 Common Council for a period of one (1) years, and that he will pay all fines of forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Common Council 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 City. Such permit shall also guarantee that, if the City 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 (1) year.
  - (1) Faulty work or materials shall be immediately replaced by the permittee upon notice by the City. Failure to correct deficiencies shall result in a one (1) year revocation of the right to obtain a street opening permit. The Common Council shall repair the deficiencies and bill the permittee for all labor, materials and equipment used plus twenty percent (20%) for administration.
  - (2) The person who does such restoration shall be responsible therefor for one (1) year from the date of completion of the work and shall file a written guarantee or surety bond to that effect with the City in an amount determined by the Mayor.
  - (3) Whenever the Common Council shall find that any such work has become defective within one (1) year of the

date of completion, they shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Common Council to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the City for the cost of doing the work as set forth in the notice.

**SEC. 5-2-4 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.**

- (a) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted between November 15th and April 1st except when the Director of Public Works decides an emergency excavation is necessary.
- (b) **Protection of Public.**
  - (1) Every opening and excavation shall be enclosed by sufficient barriers, signs, and such other traffic control devices as may be required by the Director of Public Works, or Police Department, in accordance with Section VI of the Manual of Uniform Traffic Control devices. Sufficient warning lights shall be kept on from sunrise to sunset. No open flame warning devices shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet from where pipe or conduit has been laid.
  - (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property during the period of the work. Each person making such opening shall be held liable for all work. Each person making such opening shall be held liable for all work and for all damages (including costs incurred by the City 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.
  - (3) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made on the part of the permittee to provide reasonable access to all properties adjacent to

the project. In the event traffic is limited to less than one (1) lane in each direction, a flagman or temporary traffic control signal shall be provided in order to safely cycle traffic in each direction past the work area.

- (4) The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area or endanger the safety of workmen or pedestrians. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the Police Department twenty-four (24) hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified in Section 5-2-4(b).

(c) **Pavement Removal.**

- (1) Removal of existing pavement shall be in neat, straight lines. The permittee shall make a final saw cut in the existing pavement after backfilling. Excavations shall be kept to the minimum possible and acceptable for the convenience and safe performance of his work and in accordance with all applicable codes and regulations.
- (2) If bituminous or concrete pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again in neat, straight lines. The finished saw cut shall leave a regular rectangular section for pavement replacement. Should the street opening occur adjacent or close to an existing patch or require more than one (1) opening within a short distance, the permittee shall identify and locate the existing patches or additional openings on the permit application form. The Directory of Public Works shall inspect the excavation site and estimate the boundaries of the pavement replacement area.
- (3) Pavement replacement areas with the long dimension in the direction of travel shall have the long dimension parallel with the curb line or the direction of travel. Pavement replacement areas in concrete pavements shall be parallel with or at right angles to the direction of travel.
- (4) The Director of Public Works may order the permittee to remove and replace up to one (1) full lane width of pavement along the patched or excavated area. Special care shall be taken with concrete pavement to produce a vertical face on the existing concrete at the point of the saw cut to insure a full depth of concrete at the

joint.

(d) **Excavation.**

- (1) All excavated material shall be piled in a manner to insure that pedestrian and motor traffic is not unnecessarily disrupted. Gutters shall be kept clear or other satisfactory provisions made for street drainage, and natural water-courses shall not be obstructed.
- (2) Excavated material to be used for backfilling of the trench must be handled and placed in a manner to cause as little inconvenience as practical to public travel and adjoining tenants.

(e) **Backfilling.**

- (1) All backfill material shall be free from cinders, ashes, refuse, vegetable or organic matter, boulders, rocks or stones greater than eight (8) inches in their greatest dimension, frozen lumps or other material which in, in the opinion of the Director of Public Works, is unsuitable.
- (2) In refilling the excavation, if there is not sufficient suitable excavated material for refilling, Directory of Public Works shall approve the additional materials hauled in prior to their use as refilling materials.
- (3) Wherever an excavation crosses an existing utility, pipe or other structure, backfill shall be carefully compacted in stages from the bottom of the excavation. Any sanitary sewer, storm sewer, water, telephone, natural gas or other service shall not be interrupted by the permittee. It shall be the permittee's responsibility to have the affected utilities locate and mark their facilities prior to excavation.
- (4) Mechanical compaction shall be used on all materials during trench backfill. Each layer (12-inch maximum) shall be uniformly compacted to a dry density of at least ninety-five percent (95%) of the maximum dry density as determined by the Modified Proctor Test (ASTM-1557). Compaction or consolidation by flooding shall not be permitted.
- (5) All excavations shall be subject to testing by the City. Backfilled material not achieving the above compaction requirements shall be removed and recompacted by the permittee. The cost of any retesting shall be paid by the permittee.
- (6) When the sides of the trench will not stand perpendicular, sheathing and braces shall be used to prevent caving. No timber, bracing, lagging, sheathing

or other lumber shall be left in any trench. At no time shall any street pavements be permitted to overhand the excavation.

- (f) **Notice.** The permittee shall notify the Director of Public Works and all public and private individuals, firms and corporations affected by the work to be done at least one (1) business day before such work is to commence. The Director of Public Works shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.

- (g) **Pavement Replacement and Sidewalk, Curb and Gutter and Driveway Restoration.**

- (1) Backfill material shall be left below the original surface to allow for five (5) inches of three (3) inch crushed stone and four (4) inches of three-quarter (3/4) inch crushed stone, plus the thickness of the required pavement structure. If paving will not occur as part of the initial street restoration operation, the balance of the opening to the original surface elevation shall be backfilled with compacted three-quarter (3/4) inch crushed stone.
- (2) Bituminous pavement shall be placed the full depth of the existing pavement or three (3) inches, whichever is greater. Bituminous pavement shall be placed in a maximum of one and one-half (1 1/2) inch layers with each layer compacted to maximum density and shall consist of Wisconsin Department of Transportation Gradation No. 1 for the binder course and Wisconsin Department of Transportation No. 3 for the surface course. The finished surface shall be smooth and free of surface irregularities and shall match the existing pavement and any castings or street appurtenances. Allowable deviations shall be no more than one-quarter (3) inch as measured with a ten (10) foot straight edge.
- (3) Concrete pavement shall be placed to the full depth of the existing pavement or seven (7) inches, whichever is greater. Concrete used shall not contain calcium chloride. The surface shall be given a light broom finish. The edges shall be tooled to prevent spalling at the saw cut edge. The surface shall be evenly and completely sealed with a white pigmented curing compound. The surface shall be protected from traffic for a minimum of three (3) days. Tie bars shall be installed as directed by the Director of Public Works.
- (4) All permanent restoration of street, curb and gutter

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- shall be of the same type and thickness and shall conform with the grade of the adjacent curb and gutter.
- (5) All permanent restorations of driveways and sidewalks shall conform to the original manner of construction and to the lines and grades provided by the Public Works Director. No patching or concrete driveway areas will be allowed between joints or dummy joints.
  - (6) Sidewalks replacements shall be at least the full width of the walk and sixty (60) inches long. All replaced walk shall be four (4) inches thick, except at driveways where it shall be six (6) inches thick. The new walk shall slope to conform to existing construction across the width of the walk toward the street.
  - (7) In emergency excavations during winter months, when it is not possible to replace the removed pavement with a like material, the excavation shall be temporarily resurfaced with a minimum of three and one-half (32) inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above before the following June 1st, except as provided above. Permanent pavements shall be replaced within sixty (60) days of the date of the permit.
- (h) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and 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, firm or corporation shall apply for an excavation permit not later than the next business day and shall notify the Police Department immediately.
  - (i) **Repair by City.** The City may elect to have the City or a contractor working for the City make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining such repair for one (1) year shall be charged to the person making the street opening.

**SEC. 5-2-5 STREET PRIVILEGE PERMIT.**

- (a) **When Required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the City may be granted to applicants by the Common Council 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 this Code of Ordinances. The Common Council shall request advisory recommendations from the Chief of Police and Director of Public Works prior to issuance of the permit. City officials may attach conditions to the permit, including proof of liability insurance.
- (b) **Bond.** No bond shall be required for a street privilege permit.
- (c) **Fee.** No fee for a street privilege permit shall be charged.
- (d) **Conditions of Occupancy.** The permit 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 shall be subject to revocation without notice by the Director of Public Works, Chief of Police or Common Council 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 Chief of Police or Common Council, 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 Chief of Police.
  - (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 made safe for public travel at the expense of the permittee.

- (e) **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 by the Common Council.

State Law Reference: Section 66.045, Wis. Stats.

**SEC. 5-2-6 SNOW AND ICE REMOVAL.**

- (a) **Definitions.** The word "Owner" shall mean both the owner and the occupant of any parcel or lot which fronts or abuts any sidewalk.
- (b) **Removal From Sidewalks.** The owner shall keep his sidewalk clear of all snow and ice. All sidewalks shall be cleared of all accumulated snow or ice within twenty-four (24) hours after the snow or ice ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width. In the event that ice has formed on any sidewalk in such a manner that it cannot be removed, the owner shall keep the sidewalk sprinkled with material to accelerate melting or prevent slipping.
- (c) **Notice and Removal of Snow from Sidewalks.** If the owner shall fail to keep said sidewalk clear of snow and ice as set forth in Subsection (a), the Director of Public Works or City law enforcement officers shall take the following action:
  - (1) Hazardous Conditions. If the Director of Public Works or a City law enforcement officer determines that the failure to remove the snow and ice from the sidewalk creates an immediate danger to the public health and/or safety, he shall issue a written notice to the owner directing that the snow and ice to be removed immediately. In the event the owner is unavailable to receive a written notice, the Director of Public Works or police officer shall immediately cause the removal of the snow and ice. The Director of Public Works or police officer shall send a written notice to the last-known address of the owner notifying him that a hazardous condition existed which required immediately abatement.

- (2) Non-Hazardous Conditions. If the owner fails to remove snow or ice within the time period established in Subsection (1), the Director of Public Works or police officer shall issue a written notice to said owner directing him to remove said snow and ice no later than 12:00 Noon of the following day. The written notice shall be hand delivered or mailed to the last-known address of the owner as identified on the records in the City Clerk-Treasurer's office.
- (3) Snow and Ice Not to Encroach. No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use as provided herein. Where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks stretch from the City right-of-way to the curb line, the owners shall be permitted to deposit snow and ice from the sidewalks onto the public streets. Snow from public sidewalks shall not be stored in any manner which will obstruct or limit vehicular or pedestrian vision, movement or access. The deposit of any snow or ice upon any sidewalk, alley or street of the City, contrary to the provisions of this Section, is a nuisance; and in addition to the penalty provided for violation of this Section, the City may summarily remove any snow or ice so deposited and cause the cost of such removal to be charged to the owner of the property from which said snow or ice originated.
- (d) **Enforcement**. Law enforcement officers are hereby authorized and directed to enforce the provisions of this Section.
- (e) **Continued Violations**. Each twenty-four (24) hour period of continuous violation shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section.
- (e) **Abatement After Notice**. Failure of the owner to remove of snow or ice within the time established under Subsection (b) (1) and (2) after receiving a written notice shall result in the Director of Public Works causing the removal of said snow or ice.
- (f) **Expense**. An account of the expenses incurred by the City to abate the snow or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for snow or ice removal shall be mailed to the last-known address of the owner and shall be payable

within ten (10) calendar days from the date thereof. The City Clerk-Treasurer shall enter unpaid snow and ice removal charges onto the tax roll as a special tax as provided by Section 66.615(5), Wis. Stats.

- (g) **Penalty.** In addition to the provisions set forth in this Section, any person, firm or corporation which violates the provisions of this Section shall be subject to the penalty provided in Section 1-1-7 of this Code of Ordinances.

State Law Reference: Sections 66.60(16) and 66.615(3)(f) and (5), Wis. Stats.

**SEC. 5-2-7 TERRACE AREAS.**

- (a) **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 Common Council or its designees.
- (b) **Responsibility to Maintain.** Every owner of land in the City whose land abuts a terrace is required to maintain, or have maintained by his tenants, 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.

Cross Reference: Title 5, Chapter 4, Section 5-4-1 for definition of terrace.

**SEC. 5-2-8            DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO  
DRAIN ON SIDEWALKS.**

No downspouts from any building shall be located to cause the contents of such spout to be cast upon or flow back or over any public sidewalk in the City. When the eaves of a building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain therefrom or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of Ordinances.

**SEC. 5-2-9            REQUESTS FOR IMPROVEMENTS.**

Requests or petitions by City property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Common Council on or before September 1st to be considered for installation in the following year.

**SEC. 5-2-10          RAKING LEAVES INTO STREETS.**

It shall be unlawful for any person to rake or place fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street.

**SEC. 5-2-11          UNLAWFUL DUMPING ON STREETS.**

It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material upon any public street, sidewalk, alley, or public property or upon any property of another, without the express permission of the owner or occupant thereof.

**SEC. 5-2-12 OBSTRUCTION OF PUBLIC DITCHES.**

No person shall obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain; nor shall any person place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain.

**SEC. 5-2-13 CURB AND GUTTER.**

- (a) **Special Assessments and Charges.** The City may, at any time, construct or have constructed curb and gutter in the City. As an alternative to any other methods provided by law, the City may collect for said curb and gutter in the manner and by the procedure provided by Section 66.60 and/or 66.62, Wis. Stats.
- (b) **Alternative Methods.**
  - (1) Petition. Any taxpayer and property owner in the City may petition the City for the installation of curb and gutter abutting property owned by said petitioner in the City.
    - a. Requirements of Petition. The petition for the installation of curb and gutter shall state that the petitioner(s) request curb and gutter abutting property owned by said petitioner, describe said property, state what type is requested, and state that each petitioner individually shall be responsible and liable for, and thereby obligates himself to pay fifty percent (50%) of the total costs of installation of said curb and gutter including surveying and other contingent expenses.
    - b. Effect of Petition. In the event a petition for the installation of curb and gutter is presented to the Common Council, the Council shall have the exclusive discretion to accept or reject the same. The council may refer said petition, may table it, but in any event they shall act upon the same in some manner within six (6) months of receipt of said petition.
  - (2) Resolution of Intent. In the event the City should desire to construct curb and gutter in any area of the City, the Common Council may adopt a resolution of intent to install said curb and gutter and assess the costs thereof to the abutting property owners as

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provided in Section 66.60, Wis. Stats.

- (c) **Types of Curb and Gutter.** All curbs and gutters shall conform to the construction standards adopted by the Common Council, on file with the City Clerk-Treasurer.
- (d) **Liability for Repair Thereof.** Whenever curb and gutter is installed, all property owners receiving the benefits thereof shall be responsible and liable for all replacements, repairs, damage and maintenance and during any period of construction on the property against which it abuts. Any expense for additional width of road made necessary by blacktop curb and gutter shall be the responsibility of and shall be paid for by the abutting property owner.

State Law Reference: Sections 66.60 and 66.62, Wis. Stats.