

CHAPTER X

STREETS AND SIDEWALKS

- 10.01** Erection, Maintenance and Repair of Sidewalks, Curbs, Gutters and Trees
- 10.02** Alterations, Repairs and Digging of Streets
- 10.03** Snow and Ice Removal from Sidewalks
- 10.04** Trains Obstructing Streets
- 10.05** Uniform Numbering of Buildings
- 10.06** Special Assessments for Public Works
- 10.08** Obstructions Prohibited
- 10.09** Naming of Streets and Roads
- 10.10** Creation of Pedestrian Walkway
- 10.11** Driveway Regulations - Curb Cuts

10.01 ERECTION, MAINTENANCE AND REPAIR OF SIDEWALKS, CURBS, GUTTERS AND TREES.

(1) Reference in this section to "owner" or "property owner" means the owner or owners of property in the Village of Elkhart Lake, Wisconsin. The word "owner" covers all forms of ownership, whether corporate, cooperative, association, group, partnership, or individual.

(2) The Village Board may cause new sidewalks to be constructed along any public road or other public way, may cause curb and gutter to be constructed along any public road or way, or cause trees to be planted between sidewalks and curbs, and may cause defective sidewalks to be repaired and/or replaced, may cause faulty curbing to be repaired and/or replaced, or may cause trees to be removed, treated or trimmed when, in the opinion of the Board, such construction, repair, replacement, removal, treatment or trimming become necessary or desirable. This section includes all trees located between all sidewalks and curbs, and any other trees which may project over such sidewalks or curbs.

(3) All sidewalks laid, replaced or repaired and all curbs and gutters laid, replaced or repaired shall be of concrete construction, unless otherwise authorized by the Village Board. Such sidewalks shall be 5 feet in width on all streets, unless otherwise directed by the Board, except that in front of businesses used for mercantile, commercial, or industrial purposes, such sidewalks shall extend from the curb to the building. All sidewalks shall have a minimum thickness of four (4) inches, and proper provisions shall be made for the expansion and contraction of such sidewalks. All new sidewalks and curbs and gutters laid in the Village shall be in accordance with standards approved by the Village Board. Sidewalk corners and corner radius curbing and gutter cost shall be borne by the Village.

(4) The Village Board shall have the power and authority to reject any and all work or materials that do not comply fully with this ordinance or with the specifications set forth by the Board from time to time.

(5) Whenever the Village Board shall determine it to be necessary for the benefit and use of the public that a sidewalk be laid, removed or repaired on any public street, avenue, boulevard, parkway, or pedestrian lane, the Board will so declare by resolution, and shall serve or cause to be served a copy of such resolution upon the owner of such lot or parcel of land in front of which such work shall have been ordered, delivering same by registered or certified United States Mail to the owner or his agent, and in the case that the owner or agent's address is not known, then by posting a notice therefore in three public places in the Village, or by publishing such notice at least twice in a local newspaper. By a local newspaper it is meant a newspaper published in Sheboygan County with circulation well established in the Village.

(6) Whenever any such owner shall neglect for a period of twenty (20) days after such notice is given, to lay, remove or replace or repair any such sidewalk, the village shall cause such work to be done at the expense of such owner, and the cost thereof shall be entered in the tax roll as a special tax against such property and the same shall be collected in all respects like other taxes upon real estate.

(7) Whenever the Board, by resolution, determines the need or desirability of constructing new curb and/or gutter, or the repairs of existing curbing and gutter, notices shall be sent to the property owner in the same manner and to the same effect as for sidewalk repair and construction. The payment for curb and gutter construction or repair shall be handled in the same manner as for sidewalk construction or repair, except that the property owner shall be assessed 60 percent of the cost and the Village shall pay the balance of 40 percent.

(8) Whenever the Board, by resolution, orders the planting of trees, a notice therefore shall be sent to the property owner in the same manner and with the same effect as for sidewalk construction or repair. The payment for tree planting or for tree trimming or repair shall be handled in the same manner as for sidewalk construction or repair.

(9) If the total cost of both labor and material for the repair or construction of any sidewalks, curb or gutter, or the planting, trimming or repair of any tree amounts to less than \$10.00, the Board may authorize the committee to have such work completed without notification to the property owner. The cost of such emergency work shall be borne by the property owner, and shall be collected as set forth in sub-section (5) of this section.

(10) It shall be unlawful for any person, firm, company, or corporation to do any of the construction work covered by this section without first having applied for and obtaining a building permit therefore. The standard building permit shall be used for this purpose and the permit shall be issued by the Village Clerk-Treasurer. Nothing in this section shall be construed as prohibiting any person from undertaking the construction, removal, replacement or repair of any sidewalks, curbs, or gutters, or from planting or trimming his own trees, but the type of trees planted and the trimming thereof must meet with the approval of the Board, and the construction, maintenance, removal, replacement or repair of any sidewalks, curb or gutter must be in accordance with the standards as set forth by the Board.

(11) The Board may, from time to time, by resolution, establish the width of special sidewalks, determine the materials and specifications of any and all concrete constructions, and the standards and specifications so fixed for one construction may be changed for other constructions. The location of such concrete constructions may also be fixed by the Board from time to time, by resolution.

(12) The Board, by resolution, may determine what types of trees or tree may be planted between the sidewalk and curb, and may determine the location of trees and the time of planting. The Street Committee of the Village Board shall have the authority to trim and otherwise care for all trees between sidewalks and curbs, and also all trees along such roadways not having sidewalks and curbs. The Village shall have authority to remove trees on parkways or private areas which are diseased or otherwise detrimental to the Village.

(13) Any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$1.00, nor more than \$50.00, together with the costs of prosecution, and in default of the payment thereof, shall be imprisoned in the County Jail for a period of time not to exceed sixty (60) days or until such forfeiture and costs are paid.

10.02 ALTERATIONS, REPAIRS AND DIGGING OF STREETS.

- (1) No diggings, alterations or repairs shall be made on any Village street or any Village property unless a permit for such work is first obtained from the Public Works Committee.
- (2) Any person who shall violate the above provisions shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$50.00, together with the costs of prosecution, and in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 10 days.

10.03 SNOW AND ICE REMOVAL FROM SIDEWALKS.

- (1) The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village 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 sidewalk within 14 hours of any snowfall, within any 24-hour period.
- (2) No person, firm, company or corporation shall push, place, shovel or blow snow or ice into or across Village streets, alleys, or around or against water hydrants.
- (3) As to (1) above, the Village may remove the snow or ice accumulated in violation of this section and charge the reasonable cost of the same against the owner of the property affected by placing it on the tax roll; or as to (1) above and as to (2) above, any person or persons found to be in violation of this section, upon conviction thereof, shall forfeit not less than \$1.00 nor more than \$50.00, together with costs of prosecution.

10.04 TRAINS OBSTRUCTING STREETS.

- (1) No railroad company shall obstruct with its engines, cars or otherwise, any of the streets in the Village, excepting while necessarily crossing the same, longer than 5 minutes at any one time.
- (2) Any person who shall violate any of the provisions of this ordinance shall forfeit a sum not more than \$200.00 and costs, or in default of payment, shall be imprisoned in the County Jail for a period of not more than 30 days.

10.05 UNIFORM NUMBERING OF BUILDINGS.

- (1) There is hereby established a uniform system of numbering structures fronting on all public ways of the Village and all structures shall be numbered in accordance with the provisions of this section.
- (2) **Base Line**

(a) Rhine Street shall constitute the base line for numbering along all streets running north and south and Lake Street shall constitute the base line for numbering all streets running east and west.

(b) All buildings and lots on diagonal streets shall be numbered the same as north and south streets if the diagonal runs more from north to the south and the same on east and west streets if the diagonal runs more from the east to the west.

(3) Sequence

(a) The numbering for each street shall begin at the base line. The numbers within the first block shall be from 1 to 99 and the numbers in each succeeding block shall increase from the base line in units of 100, namely, the first block shall be from 1 to 99, the second block shall be 100 to 199, the third block shall be 200 to 299 and so forth. There shall be assigned 100 numbers to each block, square or space that would be one block if streets each way were so extended as to intersect each other. One number shall be assigned to approximately each 15 feet of frontage in blocks or equivalent space no longer than 750 feet which is not intersected by a street, if extended, the total length divided by 50 shall be used to determine the feet of frontage assigned to each number.

(b) Where blocks of different lengths occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter blocks.

(4) Odd and Even Numbers. All lots and houses on the north and west side of all streets shall be numbered with odd numbers, each commencing with the 100 assigned to that block, and shall increase from the base line, one number for each 15 feet of frontage or fraction thereof, except as provided *in* sub-section (3). Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, provided the building *is* 15 feet or more in width. If the building *is* not 15 feet or more in width and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting two or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.

(5) All streets not extending through the base line shall be assigned the same relative number as if the street had extended to the said base line.

(6) Placement of Numbers

(a) The Village Board shall cause the necessary survey to be made and there shall be assigned to each house and building located on any street, avenue, alley or highway in said Village, its respective number under the uniform system provided for in this section. When the said survey shall have been completed and each house and building has been assigned its respective number or numbers, the owner, occupants, or agent shall place or cause to be placed upon each house or building controlled by him, the number or numbers assigned under the uniform system provided for by this section.

(b) Such number or numbers shall be placed within twenty (20) days after the assigning of the proper number. The cost of the number or numbers shall be paid for by the property owner. Replacement of numbers shall be procured and paid for by the owner. The numbers used shall be not less than 2~" in height, and the type of numbers shall be approved by the Village Board.

(c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street. Whenever any building is situated more than 50 feet from the street line, the number of such buildings shall be conspicuously displayed at the street line, near the walk, driveway, or common entrance to such building and upon the gate post, fence, tree, post or other appropriate place so as to be easily discernable from the sidewalk.

(7) Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any such house or building, or for any part of such house or building, fronting on any street, such owner, occupant or agent shall use the suffix "A", "B" or "C" or such letters as may be required.

(8) It shall be the duty of the Building Inspector to inform any party applying therefore of the number or numbers belonging to or embraced within the limits of said lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any lot or building, the Building Inspector shall determine the number of such lot or building.

(9) Whenever any house, building or structure shall be erected or located in the Village after the entire work of establishing a uniform system of house numbering has been completed, and in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner to procure the correct number or numbers as designated from the Building Inspector for said property and to immediately fasten the said number so assigned upon said building as provided by this section. No building permits shall be issued for any house, building or structure until the owner has procured from the Building Inspector the official number of the premises.

(10) It shall be the duty of all police officers of the Village of Elkhart Lake and the Building Inspector to report violations of any provisions of this section.

(11) Penalty If the owner or occupant of any building required to be numbered by this ordinance shall neglect, for a period of 20 days, to attach and maintain the proper number on such building, the Building Inspector shall serve upon him a notice requiring such owner or occupant to properly number the same, and if he neglects to do so for ten days after service of such notice, he shall be deemed to have violated this ordinance. Upon conviction thereof, he shall forfeit not less than \$10.00 nor more than \$100.00, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

10.06 SPECIAL ASSESSMENTS FOR PUBLIC WORKS.

(1) The cost of installing or constructing any public works or improvement shall be charged in whole or in part to the property benefited thereby, said assessment against such property shall be made in such a manner as the Village Board determines. Such special assessment shall be a lien against the property from the date of levy. Such special assessment shall not be levied against the property unless reasonable notice has been given to the affected property owner or owners and public hearing held on the same. Any property owner against whose land a special assessment is levied under this ordinance shall have the right to appeal there from in the manner prescribed in Section 66.60(12) of the Wisconsin Statutes within 40 days of the date of the final determination of the Village Board.

(2) Subject to the provisions of Sec. 32.36(2) and 32.30(7), all public works for storm sewer facilities on unplatted lands and in improved subdivisions shall be paid for out of the General Fund and not through special assessments. An improved subdivision is a subdivision as defined in Sec 32.35(p) where 95 per cent of the buildable lots in said subdivision have upon said lots structures allowing for year-round occupancy.

10.08 OBSTRUCTIONS PROHIBITED.

(1) With the exception of flower pots/boxes and park benches, no person shall place or permit to be placed any goods, merchandise, sign, banner, vending machine, display case, picnic table, mailbox or any other object excepting a legally parked motor vehicle, upon any public sidewalk or within any public right-of-way unless expressly permitted by the village board upon application thereto. The above enumeration is not to be construed as limiting the activities outlined above but is merely for the purpose of illustration.

(2) No person shall plant or cause to be planted any vegetation in a parkway as defined in Chapter 23.02(6) unless expressly permitted by the village board upon application thereto.

(3) Notwithstanding anything to the contrary, an unobstructed pathway of not less than five feet shall be maintained on all public sidewalks. The penalty for violating this provision is a Class B forfeiture as set forth in Section 8.13(3)(b), and each day's violation of the provisions of this section shall constitute a separate offense.

10.09 NAMING OF STREETS AND ROADS.

(1) The Village shall have the authority to name all streets, public and/or private as long as some part of the street is within the corporate limits of the Village of Elkhart Lake.

(2) The Village shall also have authority to determine the location of street signs designating the name of any street within the Village.

(3) The cost of erecting and/or placing any such street sign on a private road, not dedicated as a public street or thoroughfare, shall be borne equally by all owners of property abutting said road and shall be assessed in accordance with Sec 10.06 of this chapter.

10.10 CREATING A PEDESTRIAN MALL AND TERMINATING VEHICULAR TRAFFIC.

(1) In accordance with the provisions of Wis. Stat. Sec. 66.298, and after considering the report of the Planning Commission dated August 16, 1993, and after conducting a public hearing on November 1, 1993, the following area known as "Lake Street." shall be converted to a pedestrian mall and all vehicular traffic shall be terminated over same unless allowed by resolution or future enactment of the Village of Elkhart Lake:

In the Village of Elkhart Lake, County of Sheboygan, State of Wisconsin:

All that part of the NE ¼ of the NW ¼ and the north ½ of Government Lot 1 of Section 29, Township 16 North, Range 21 East, lying within the following described traverse: Commencing at the SE corner of the NW ¼ of said Section 29; thence N. 02 degrees 30'28" W. along the East line of said NW ¼, 761.52 feet; thence S. 89 degrees 02'07" W. parallel with the north line of the S ½ of said Government Lot 1, 744.65 feet to a point on the east right-of-way line of Lake Street; thence N. 43 degrees 17'26" W. along said right-of-way line 267.44 feet to Point of Beginning; thence southeasterly along the arc of a curve to the left, 138.70 feet to the west of right-of-way line of Lake Street, said curve having a radius of 133.00 feet and a main chord which bears S.13 degrees 24'55" E., 132.50 feet; thence N. 43 degrees 17'26" W. along said west right-of-way line 374.82 feet to a point of curvature; thence northwesterly along said west right-of-way line and the arc of a curve to the left, 401.24 feet, said curve having a radius of 1,334.00 feet and a main chord which bears N. 51 degrees 54'26"W., 399.73 feet; thence N. 25 degrees 15'55" E., 66.17 feet to a point on the east right-of-way line of Lake and the arc of curve to the right, 425.95 feet, said curve having a radius of 1,400.00 feet; and a main chord which bears S. 53 degrees 00'24" E., 424.31 feet; thence S. 43 degrees 17'26" E. along said east right-of-way line, 259.93 feet to the Point of Beginning, containing 46,661 square feet, or a .071 acres of land more or less.

(2) From and after the date of the passage of this ordinance, the public and the Village of Elkhart Lake shall have the same rights to the property described above, except the right to traverse the area described above by vehicular traffic, and by enacting this ordinance the Village of Elkhart Lake does not repudiate or reject any rights of ownership or rights obtained by prescription or any other rights obtained by law or equity to the property described herein.

(3) This ordinance modifies an ordinance enacted on May 16, 1994, modifying and reducing the legal description and area referred to in that ordinance.

(4) This ordinance shall be in full force and effect from and after its passage and publication.

10.11 DRIVEWAYS. It shall be unlawful for any person, firm, company or corporation to do any of the construction work covered by this section without first having applied for and obtaining a building permit therefore. The standard building permit shall be used for this purpose and the permit application shall be applied for with the Clerk-Treasurer and issued by the Superintendent of Public Works. Nothing in this section shall be construed as prohibiting any person from undertaking the construction,

removal, replacement or repair of any sidewalks, curbs, or gutters in accordance with the following standards:

- (1) All driveway approaches require a permit issued by the Village of Elkhart Lake.
 - (a) A maximum of twenty-eight (28) feet from the top of the curb cut shall be allowed in all residentially zoned districts.
 - (b) A maximum of twenty-eight (28) feet from the top of the curb cut shall be allowed in all other zoning districts with the Public Works Committee being able to grant an exception after review of site plans.
 - (c) Interference with Intersection. No driveway shall provide direct ingress or egress to or from the street intersection area and shall not occupy areas of roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.
 - (d) Interference with Street. No driveway apron shall extend out into the street farther 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 Superintendent of Public Works to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
 - (e) Number of Approaches Limited. No more than one driveway entrance and approach shall be constructed for any lot except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Superintendent of Public Works. Any two approaches shall be at least ten feet apart, unless otherwise approved by the Superintendent of Public Works considering the safety, convenience and utility of the street.
 - (f) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction insofar as such requirements are applicable.
 - (g) Liability for Damage or Injury. The person holding a permit under this article 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 the 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, workman like manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk shall be replace in accordance with the Village specifications

- (2)** Concrete for approaches shall be grade A, air entrained and shall conform to Section 601 of the State of Wisconsin Standard Specifications for Road and Bridge Construction, and in particular meet the following requirements:

 - (a) Minimum concrete content, 6.0 bags per cubic yard.
 - (b) Compressive strength after 28 days, 3,500 psi.
 - (c) Maximum amount of water per bag of cement, 6.0 gallons.
Size of coarse aggregate required, #1 plus #2.
 - (d) Slump, 1"-3".
 - (e) Air content, 4.5% - 7.5%.
 - (f) Curing membrane meeting the requirements for Type 2 of the standard specifications for liquid membrane performing compounds for curing concrete AASHIO designation.
 - (g) M148 shall be used to cover all finished concrete.
- (3)** Drive approach and walk sections of the approach shall be a minimum of six (6) inches thick.
- (4)** Contractors shall install a minimum two (2) inch diameter plastic or PVC type pipe under concrete twelve (12) inches behind curb, eighteen (18) inches deep, as measured from the top of the curb with capped ends, backfill with granular material.
- (5)** One-half (1/2) inch x seven (7) inch expansion joint material full depth shall be placed between the curb and gutter and the approach or as directed by the Village of Elkhart Lakes Engineer or Public Works Supervisor.
- (6)** It is the Village's intent to allow the removal of the existing curb section of the concrete curb and gutter to provide an opening to be used for the installation of the driveway approach. A driveway approach permit is required for curb removal and must be obtained from the Superintendent of Public Works prior to starting this project. Curb cutting equipment must be designed specifically for this use and have approval of the Superintendent of Public Works.
- (7)** The curb cut shall allow for one-half (1/2) inch rise from the gutter to the beginning of the cut of the curb back. The ascending slope from that rise to the back of the curb shall be one (1) inch.
- (8)** Existing curb shall be cut with an 18 inch down slope at each side of the driveway opening.

(9) Existing curb expansion joints shall be a minimum of six (6) inches from the down slope at each side of the driveway opening. Existing curb expansion joints will not be allowed in either down slope cut.