

TITLE 4

Public Works

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CHAPTER 1

Streets and Sidewalks

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SEC. 4-1-1 SIDEWALK GRADES.

The grade of all sidewalks hereafter laid in the Village of Norwalk shall be laid to the existing grade of the adjoining street, unless the Village Board shall by resolution authorize a variance from such grade requirement.

SEC. 4-1-2 SIDEWALK CONSTRUCTION AND REPAIR.

- a) It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Norwalk and to pay the entire cost thereof. Whenever the Village Board 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 Village of Norwalk, it shall proceed according to section 66.615 to 66.0907 of Wisconsin Statutes.
- b) Sections 66.615 to 66.0907, Wis. Stats., is hereby adopted by reference.
- c) Nothing herein contained shall prevent any property owner from laying any sidewalk or curb and gutter at his own expense in accordance with specifications and grade approved by the Village Board.
- d) The Village Board may by resolution provide for the payment of one-half of the costs of construction of any sidewalks by the Village with the balance of the costs to be assessed against the abutting property owner.

SEC. 4-1-3 SIDEWALK CONSTRUCTION AND REPAIR PERMIT.

- a) **PERMIT REQUIRED.** No person shall hereafter construct, remove, replace, or repair any public sidewalk within the Village of Norwalk unless he is under contract with the Village to do such work or has obtained a permit therefor from the Village Clerk-Treasurer. Such permit shall be issued for a fee in the sum of \$1.00 upon application provided by the Village and shall contain such information as the Village Board shall deem necessary.
- b) **EXCEPTION.** No permit shall be necessary under this Section for sidewalk repair which does not exceed 72 square feet, unless the Village Board in its sole discretion deems it necessary to establish a new grade for such repair work.
- c) **COMPLIANCE CERTIFICATE.** Compliance Certificate may be issued by the Village Clerk-Treasurer upon request, providing that all sidewalk construction, repair, or reconstruction covered thereby is in accordance with Village specifications.

SEC. 4-1-4 SIDEWALK SPECIFICATIONS

- a) Sidewalks in predominantly residential areas shall be four (4) feet in width and those fronting predominantly commercial or industrial establishments shall be not less than six (6) feet in width, unless otherwise specified by the Village Board; provided, that walks in predominantly residential areas may be repaired or replaced to a width not less than the width existing as of the effective date of this Section.
- b) The thickness of all sidewalks hereafter installed or repaired within the Village shall be not less than four (4) inches, except within driveway approaches where the minimum thickness shall be six (6) inches.

SEC. 4-1-5 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS

- a) **PERMIT REQUIRED.** No person shall open or excavate in any street, alley, sidewalk or public ground within the Village without first obtaining a permit therefor from the Village Clerk.
- b) **FEE.** A fee of \$250.00 for excavating in a paved or improved street, except for gas electric and telephone utilities, shall be paid to the Village Clerk. A quorum of the village board trustees must approve any permit hereunder before it shall be issued. No part of such fee shall be refundable. If a special board meeting is called to approve the permit, the applicant will be charged costs associated with the special meeting.
- c) **BOND.** Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Clerk-Treasurer an indemnity bond approved by the Village Attorney in the sum of \$5000.00 conditioned that the applicant 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 Street, Sidewalks, Storm Sewers & Bridges Committee (hereafter referred to as Street Committee) for a period of one year. Such bond shall also guarantee that if the village 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 year. Such bond shall be further conditioned that he will observe the provisions of all state laws, ordinances, rules and regulations governing the issuance of permits under this section. Such bonds may be filed individually for each excavation, or an annual bond may be given covering all excavation work done by the principal for one year beginning January 1.

- d) **INSURANCE.** Prior to commencement of excavation work, a permittee must furnish the Street Committee satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation public liability insurance, of not less than \$1,000,000.00 for one accident and property damage insurance of not less than \$250,000.00.
- e) **PENALTY.** There will be a \$500.00 fine for no permit plus Liability.
- f) **REGULATION GOVERNING STREET & SIDEWALK OPENINGS.**
- 1) No opening in the streets or sidewalks for any purposes shall be permitted when the ground is frozen, except where necessary as determined by the Streets Committee.
 - 2) In opening any street or other public way, 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 of the public and permit free flow of water along gutters.
 - 3) Every person shall enclose with sufficient barriers each opening which he may make in the streets or public ways of the village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Warning lights shall be kept burning from sunset to sunrise, one light to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Chairperson of the Street Committee, no trench shall be excavated, more than 250 feet in advance of pipe laying nor left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectively 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 the 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.
 - 4) In opening any street or side walk, 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 Street Committee is not suitable for refilling shall be replaced with approved back fill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than 12 inches in depth and each layer rammed, tamped or flushed to prevent after settling. When the side of the trench will not stand, perpendicular sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The village may elect to have the village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining for one year shall be charged to the person making the street opening.
 - 5) Excavation in new streets limited. Whenever the Village Board determines to provide for the permanent improvement of repaving of any street, such determination shall be made not less than 30 days before the work of improvement or repaving shall begin. Immediately after such determination by the Board, the Street Committee shall notify in writing each person, utility, village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street that all such excavation work in such street must be completed within 30 days. After such permanent improvement or repaving, no permit shall be

issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the Street Committee an emergency exists which makes it absolutely essential that the permit be issued.

- 6) Emergency excavations authorized. In the event of an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under any street and his agents 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.
- 7) Village work excluded. The provisions of this section shall not apply to excavation work under the direction of the Street Committee, by village employees, or contractors performing work under contract with the village necessitating openings or excavations in village streets, which openings or excavations shall be regulated by the contract between the village and the contractor.

SEC. 4-1-6 OBSTRUCTIONS AND ENCROACHMENTS

- a) 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 or which he is the owner or occupant, except as provided in subsection (b).
- b) EXCEPTIONS. The prohibition of subsection (a) shall not apply to the following:
 - 1) Public utility encroachments duly authorized by State law or Village Ordinance.
 - 2) Temporary encroachments or obstructions authorized by permit.
 - 3) Excavations and street openings or street use permitted by this Chapter.

SEC. 4-1-7 SPECIFIC OBSTRUCTIONS PROHIBITED.

- a) No gasoline pumps, oil pumps, gasoline or oil containers, weighing scales, advertising signs, pedestals, flood lighting standards or any device or obstruction of a like or similar nature shall be erected along or upon the right-of-way of State Highway 71, as now located in the village of Norwalk or as such right-of-way may hereafter be changed or relocated in said Village, it being the intent of this Section that the full 66 foot width of the right-of-way of said State Highway 71 throughout the limits of said Village shall be and remain clear and free of any such devices or obstructions.
- b) All gasoline pumps, oil pumps, gasoline or oil containers, weighing scales, advertising signs, pedestals, flood lighting standard or any devices or obstructions of a like or similar nature heretofore erected and now being maintained in the said Village of Norwalk on the right-of-way of said State Highway 71 as now located or as said right-of-way may hereafter be changed or relocated within said Village shall be removed within ten (10) days after notice. Such notice shall be served by any law enforcement officer of the said Village of Norwalk upon the person or persons in charge of or having control over such pumps, containers, signs, scales pedestals or other similar devices or obstructions.
- c) If the notice hereinbefore provided for shall not be complied with and such pumps, containers, scales, advertising signs, pedestals or other similar devices or obstruction shall not be removed as required, the Village authorities shall cause the removal of the same and the expense of such removal shall be collected from the owner or custodian of such property by suit at law if necessary.

SEC. 4-1-8 SNOW AND ICE REMOVAL.

- a) OWNER'S RESPONSIBILITY. The owner, occupant or person in charge of each and every building or structure or unoccupied or the person in charge of any church or public building lot in the Village of Norwalk 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 24 hours after each snowfall, and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, sawdust or sand.
- b) CLEARANCE OF WALKS BY VILLAGE. The Village shall cause all sidewalks, which have not been cleared of snow and ice as required by subsection (a) above, to be cleared upon default of the person whose duty it is to clear or sprinkle the same. The Village Clerk-Treasurer shall keep an accurate account of the expenses of clearing ice and snow in front of each lot or parcel of land. The Clerk-Treasurer shall annually enter such expense in the tax roll as a special charge against each such lot or parcel of land, and the same shall be collected in all respects like other general property taxes upon real estate.
- c) OWNER LIABILITY. If the abutting property owner fails to comply with the provisions in subsection (a) of this Section, he shall assume primary liability for damage or injury to property or persons resulting from such failure.

State Law Reference: Sections 61.34(1) and 66.61(5), Wis. Stats.

SEC. 4-1-9 DUMPING WASH OR WASTE WATER PROHIBITED.

It shall be unlawful for any person, firm or corporation to empty or cause to be emptied any sewage, wash water or other waste into or upon the streets, sidewalks or gutters of the Village of Norwalk, or to empty or cause to be emptied any sewage, wash water or other waste which will drain or flow into or upon any street, sidewalk or gutter of said village.

SEC. 4-1-10 CONTROL OF SEWAGE REQUIRED.

No part of the contents of, or substance from any sink, privy or cesspool, or any manure, ashes, garbage, dirt or waste matter shall be thrown by any person or persons, or be allowed to run or drop upon, or remain in any street or public place.

SEC. 4-1-11 DRAINAGE REQUIRED.

It shall be the duty of every owner, lessee or tenant of any vacant, sunken or excavated lot in said Village, to keep the same at all times clean and unoffensive and when required by the Village Board of Health to provide around the same a proper fence, so as to effectually prevent the throwing or depositing therein or thereupon any garbage of offensive thing whatsoever.

SEC. 4-1-12 TERRACE AREAS.

DEFINITION. The definition of "terrace" shall be as defined in Section 4-2-2(f).

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 Village Board or its designee.

RESPONSIBILITY TO MAINTAIN. Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, 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: Sections 4-2-2(f) and 4-2-7 through 4-2-15.

SEC. 4-1-13 DRIVEWAYS.

- a) **PERMIT REQUIRED.** Unless otherwise especially permitted by resolution of the Village Board, upon written application giving the reason therefor, no person shall construct, repair or reconstruct any driveway across or through any sidewalk or curving without having first obtained a permit from the Village Board for which a fee in the sum of \$1.00 shall be charged. Such permit shall be issued upon application form provided by the Village and shall contain such information as the Village Board shall deem necessary. No permit shall be necessary for repair which does not exceed eighteen (18) square feet unless the Village Board deems it necessary in its sole discretion.
- b) **INSTALLATION REQUIREMENTS.**
 - 1) No driveway shall exceed twenty-four(24) feet in width at the outer or street edge of the sidewalk except by specific resolution of the Village Board.
 - 2) No driveway shall be closer than ten (10) feet to extended street line at an intersection.
 - 3) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be so constructed as not to 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 Village Board so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner’s expense.
 - 4) Not more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Village Board. Driveway approaches shall be at least sixteen (16) feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place. Any costs of relocation utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the3 driveway installed.
 - 5) Driveways shall not be less than six (6) inches in depth, including the sidewalk portion, and a sidewalk permit is also required for the sidewalk portion of the driveway.
 - 6) Permit applications shall be made at least twenty-four (24) hours in advance of intended installation but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Village Clerk-Treasurer shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Village Board.
 - 7) In no case shall any driveway be installed prior to commencement of new construction on the premises to be served by such driveway if such driveway is intended to service such new buildings following completion of construction.

SEC. 4-1-14 UNLAWFUL TO OBSTRUCT BOARD OR CONTRACTORS.

It shall be unlawful for any person to hinder or obstruct the Village Board in the performance of any duty enjoined upon it by this Code or by any resolution of the Village Board, and it shall be unlawful for any person to hinder, obstruct, or prevent, or in any manner to interfere with any person who may have taken a contract from the Village for the doing of any street work, whether chargeable to lots or otherwise, in repairing any street, alley, or sidewalk, or in putting down any curb, gutter, sidewalk, asphalt, or other street pavement which may have been condemned as insufficient by Order or resolution of the Village Board.

CHAPTER 2

Trees and Shrubs

- 4-2-1 Statement of Policy and Applicability of Chapter
- 4-2-2 Definitions
- 4-2-3 Authority of Village Forester to Enter Private Premises
- 4-2-4 Interference with Village Forester Prohibited
- 4-2-5 Abatement of Dutch Elm Disease Nuisances
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- 4-2-13 Injury to Trees and Shrubs Prohibited
- 4-2-14 Appeal from Determinations and Orders
- 4-2-15 Adoption of State Statutes

SEC. 4-2-1 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER.

- a) INTENT AND PURPOSE. It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- b) The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

SEC. 4-2-2 DEFINITIONS.

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

- a) PERSON. "Person" shall mean person, firm, association or corporation.
- b) VILLAGE. "Village" is the Village of Norwalk, Wisconsin.
- c) PUBLIC AREAS. "Public Areas" includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.
- d) PUBLIC TREES AND SHRUBS. "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.
- e) PUBLIC NUISANCE.
 - 1) "Public Nuisance" means any tree or shrub or part thereof which by reason or its condition interferes with the use of any public area; infected with a plant disease;

infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.

- 2) Dutch Elm Disease, defined as follows:
 - a) Any living or standing elm tree or part thereof infected with Dutch Elm disease fungus Ceratocystis ulmi (Buisman) or which harbors any of the Elm Bark Beetle Scolytus multistriatus (Eucg.) or Hyurgopinus rufipes (Marsh.).
 - b) Any dead elm or part thereof, including logs, branches, stumps, firewood or other elm material not buried, burned or from which the bark has not been removed.
- f) TERRACE AREAS. "Terrace Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a terrace for the purpose of this Chapter.
- g) CLEAR-SIGHT TRIANGLE. "Clear-Sight Triangle" means a triangle formed by the curb lines of two intersecting right-of-ways and a third line connecting a full-view zone at corners of streets, alleys and highways.
- h) MAJOR ALTERATION. Trimming a tree beyond necessary trimming to comply with this Chapter.
- i) SHRUBS. "Shrubs" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- j) TREE. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.

SEC. 4-2-3 AUTHORITY OF VILLAGE FORESTER TO ENTER PRIVATE PREMISES.

The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter. The Village Forester shall be a Village official or employee designated by the Village President, subject to Board confirmation.

SEC. 4-2-4 INTERFERENCE WITH THE VILLAGE FORESTER PROHIBITED.

No person shall interfere with the Village Forester or his authorized representative while they engaged in carrying out any work or activities authorized by this Chapter.

SEC. 4-2-5 ABATEMENT OF DUTCH ELM DISEASE NUISANCES.

- a) Whenever the Village Forester shall find with reasonable certainty on examination or inspection that any public nuisance as defined herein exists within the Village, he shall cause it to be sprayed, removed, burned or otherwise abated in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease fungus or the insect pests or vectors known to carry such disease.
- b) Before abating any nuisance on private premises or in any terrace strip between the lot line and the curb, the Village Forester shall proceed as follows:
 - 1) If the Village Forester determines that danger to other elm trees within the Village is imminent, he shall notify the owner or abutting owner of the property on which such nuisance is found, in writing, if he can be found, otherwise by publication in a newspaper of general circulation in the Village, that the nuisance must be abated as directed in the notice within a specified time, which shall not be less than 30 days from the date of such notice unless the Forester finds that immediate action is necessary to prevent the spread of infection.

- 2) Subject to Section 4-2-15, if the owner fails to comply with the notice within the time limited, the Forester shall cause the abatement thereof.
- c) Now damage shall be awarded to the owner for destruction of any elm tree, elm wood, elm material or any part thereof pursuant to this chapter.

SEC. 4-2-6 ASSESSMENT OF COSTS OF ABATEMENT.

- a) The entire cost of abating any public nuisance as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, boulevard or parkway upon or in which such tree is located or the parcel or lot upon which such tree stands in accordance with section 66.60(16) or section 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park or public grounds shall be borne by the Village.
- b) A special tax may be levied against property for the cutting down and removing therefrom any elm tree infected with Dutch Elm disease. The special tax may be paid in yearly installments not exceeding four (4) yearly installments if the property owner requests in writing the privilege of paying the special tax in installments. Interest on the deferred payments shall be at the rate of 10% on the unpaid balance.

SEC. 4-2-7 PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.

- a) PERMIT REQUIRED. No person, except upon order of the Village Forester, shall plant or remove, or do major alterations as determined by the Forester on a tree or shrub in the public right-of-way terrace area or any public area or cause such act to be done by others without first obtaining a written permit for such work from the Village Clerk-Treasurer as herein provided.
- b) PERMIT EXEMPTIONS. No permit shall be required to cultivate, fertilize or water trees or shrubs. No permit is necessary to plant trees inside the property line.
- c) PERMIT REQUIREMENTS AND CONDITIONS. If the Village Forester determine^{3s} that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, drive-ways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, he shall have the Clerk-Treasurer issue a permit to the applicant.
- d) PERMIT FORM; EXPIRATION, INSPECTION. Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this section shall expire six months after date of issuance. There will be no charge for this permit.
- e) PERMITS TO PUBLIC UTILITIES.
 - 1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign and inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.

- 2) A public utility may secure an annual working agreement with the Village Forester's office which gives the Village Forester the authorization to supervise and direct work done associated with trees and shrubs.

SEC. 4-2-8 PLANTING OF TREES AND SHRUBS.

a) PLANTING.

- 1) The size and genus, species and variety of trees and shrubs to be planted in public areas and terrace areas and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work as a part of the permit application process required in Section 4-2-7.
- 2) There shall be a minimum distance of 16 feet and a recommended distance of 25 to 50 feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide planting will not be permitted.
- 3) Pine or fir trees shall not be planted in a terrace area.
- 4) It shall be unlawful to plant or maintain shrubbery, ground cover, or other plants within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.

- b) UNLAWFULLY PLANTED TREES. Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.

SEC. 4-2-9 TRIMMING

- a) Trees and shrubs standing in or upon any terrace area, public areas, or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed so that the lowest branches projecting over the public street or alley provide a clearance of not less than 10 feet except on a designated truck route where clearance shall not be less than 13-1/2 feet. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
- b) The necessity of the pruning may be determined by the Village Forester.
- c) Clearance from sidewalk to lower branches shall not be less than eight feet.
- d) All cuts above one-inch diameter shall be treated with a tree wound compound.

SEC. 4-2-10 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION OR VIEW OF TRAFFIC SIGNS.

- a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village, any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.

- b) It is unlawful for any person to plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign, shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

SEC. 4-2-11 REMOVAL OF TREES AND STUMPS.

- a) DANGEROUS AND OBSTRUCTIVE TREES. If any tree standing in a terrace or on any private property and overhanging or projecting into a terrace or street appears to be dead, liable to fall or dangerous, or an obstruction to public travel, the Forester shall notify the property owner to take corrective action within a specified period. In the event no action is taken, the Village Forester shall, subject to Section 4-2-15, cause such tree, or part thereof, to be cut down or trimmed and, if it is in any public terrace, to be removed therefrom. The costs of such work performed on trees on private property shall be assessed against the owner thereof.
- b) In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line; normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.

SEC. 4-2-12 COST OF PLANTING, REMOVAL, MAINTENANCE AND PROTECTION OF TREES AND SHRUBS IN TERRACE AREAS.

The entire cost of planting, removal, Dutch Elm disease treatment of removal, maintenance and protection of trees and shrubs on all terrace areas in the Village shall be borne by the abutting property owner, or as determined by the Village Board.

SEC. 4-2-13 INJURY TO TREES AND SHRUBS PROHIBITED.

- a) Now person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace area tree, public tree or shrub do or cause to be done by others any of the following acts:
 - 1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
 - 2) Break, Injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.

- 3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
 - 4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
 - 5) Attach any sign, poster, notice, or other object on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.
 - 6) Cause or encourage any fire or burning near or around any tree.
- b) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the Village Forester.

SEC. 4-2-14 APPEAL FROM DETERMINATIONS OR ORDERS.

Any person who receives a determination or order from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provision of Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within 30 days of receipt of written notice of the appeal. After such hearing the Village Board may reverse, affirm, or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall by letter notify the party appealing the order or determination of its decision within 10 days after the hearing has been concluded and file its written decision with the Village Clerk-Treasurer.

SEC. 4-2-15 ADOPTION OF STATE STATUTES.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

CHAPTER 3

Contracts for Public Construction

4-3-1 Procedure for Letting Contracts Involving over \$5,000.00

SEC. 4-3-1 PROCEDURE FOR LETTING CONTRACTS INVOLVING OVER \$5,000.00

In accordance with Section 61.56, Wis. Stats., the procedure for letting contracts for public construction in the Village exceeding \$5,000.00 shall be as established in Section 62.15, Wis. Stats. The authority vested in to board of Public Works shall in such case be exercised by the Village Board, or as delegated by the Village Board from time to time.