

## CHAPTER 22 PUBLIC WORKS STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

### ARTICLE I. RIGHT-OF-WAY MANGEMENT IN GENERAL

#### ~~Secs. 22-1 – 22-18. Reserved.~~

#### Sec. 22-1. Right – of- Way Management

- (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 ground, public sidewalk or village-owned easement within the village without a permit therefor from the Public Works Operations Manager or his/her designee.
- (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 Public Works Operations Manager, 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.
- (c) Exception. The provisions of this section shall not apply to village excavation work done under the director of the Public Works Operations Manager or his/her designee. Nor shall this section apply to telecommunications carriers, as defined in Wis. Stats. § 196.01(8m), telecommunications utilities, as defined in Wis. Stats. § 196.01(10), alternative telecommunications utilities, as defined in Wis. Stats. § 196.01(1d), public service corporations, or cooperatives organized under Wis. Stats. ch. 185 to render or furnish gas, light, heat, or power, or to cooperatives organized under Wis. Stats. chs. 185 or 193 to render or furnish telecommunications service, but the carriers, utilities, corporations and associations shall secure a permit from the Public Works Operations Manager or his/her designee for temporary obstructions or excavations in a highway and are liable for all injuries to person or property caused by the obstructions or excavations.
- (d) Validity of permit. Permits shall be valid for a period of 30 days from the date of approval. A copy of the permit at all times shall be made available at the work site.
- (e) Renewal of permit. Permit renewals shall be issued at the discretion of the Public Works Operations Manager or his/her designee.
- (f) Village standards; fees.
- (1) Village standards. All street work shall be performed in accordance with the current standard specifications for street openings. Any damaged street, ditch, culvert, curb and gutter, sidewalk or grass-covered area shall be restored to the condition prior to damage.
- (2) Fee. There shall be a fee for a permit which will include actual village expenses. Permit fees shall be paid to the Village of Harrison who shall issue his receipt therefor. The amount of the fee shall be established by the village board, from time to time, and appears in the fee schedule.
- (g) Insurance required. A permit shall be issued only upon condition that the applicant submit to the village 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 \$500,000.00 per one person, \$500,000.00 for one

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~~accident and property damage coverage of not less than \$1,000,000.00. The policy shall name the village as the third party insured.~~

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**Sec. 22-2. Regulations governing excavations and openings.**

(a) Protection of public.

- (1) Every opening and excavation shall be enclosed with sufficient barriers, signing, and such other traffic control devices as may be required by the director of public works, and 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 Operations Manager, no trench shall be excavated more than 250 feet in advance of pipe or conduit laying or left unfilled more than 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 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 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 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 his project. In the event traffic is limited to less than one lane in each direction, a flagman or temporary traffic control signal shall be provided so as 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 passersby. It shall be the responsibility of the permittee to prevent traffic backup during construction operation. The permittee shall notify the police department 24 hours prior to commencement of excavation of the location and extent of the excavation, unless the excavation is an emergency excavation as identified herein.
  - (5) When the operations will result in the loss of any utility service to private properties, the private properties shall be notified, in writing, or by personal contact at least 12 hours prior to the loss of service, unless the operations are part of an emergency excavation.
- (b) Standards for pavement removal; excavations; backfilling. All pavement removal and replacement, excavating, and backfilling shall be done as prescribed by the village department of public works.
- (c) 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, sidewalk 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.
- (d) Excavation in new street limited. Whenever the village board determines to provide for the permanent improvement or 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 village board, the operations manager shall notify in writing each person,

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utility 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 or excavate said street for a period of five years after the date of improvement or repaving unless, in the opinion of the director of public works, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.~~

- ~~(e) Village repairs. It shall be the option of the village, where it desires, to make any repairs which are necessary following the repair of the street or sidewalk cut by the excavator. The excavator, by obtaining a permit under this section, agrees to pay any costs incurred by the village in making repairs of any excavation for which it is responsible.~~
- ~~(f) Relocation of village improvements. Where, during the excavation, it is necessary to relocate any village improvements, such as sewer or water mains or storm sewers to facilitate the excavator's work, all of such cost and expense shall be borne by the excavator; and all such relocations shall be only upon the express written consent of the village, as accepted by the village and as directed by the operations manager. All costs of any such relocation shall be borne by the excavator at no expense to the village.~~

**Sec. 22-3. 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 of which he is the owner or occupant, except as provided in subsections (b) and (c).~~
- ~~(b) *Exceptions.* The prohibition of subsection (a) shall not apply to the following:
  - ~~(1) Temporary encroachments or obstructions authorized by permit under section 40-1 of this chapter pursuant to Wis. Stats. § 66.045.~~
  - ~~(2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street and which do not interfere with the flow in the gutters.~~
  - ~~(3) The construction of custom-built mailbox structures in village owned terrace areas provided all the requirements and standards of section 40-66 are complied with.~~~~
- ~~(c) *Issuance of permit.*
  - ~~(1) The building inspector, upon the recommendation of public works, is authorized to issue a permit which allows property owners to place certain fixtures, such as for the sale of merchandise, on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
    - ~~a. The property must be located in an area zoned for commercial uses.~~
    - ~~b. The fixture shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.~~
    - ~~c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five feet at any point.~~~~~~

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d. The property owner shall provide the village with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than \$500,000.00 per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the village sidewalks. In addition, the village shall be identified as a third-party insured.

e. The fixture shall not be for sale nor shall the fixture be used for the sale of merchandise. Specifically excluded are all forms of vending machines, vendor's carts or tables, etc.

f. The property owner whose property adjoins the village sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.

g. The property owner or the occupant of the subject property shall display the approved permit in the window of the building so that it can be seen from the sidewalk.

(2) Upon reviewing the permit application if it is determined by the building inspector that all of the above requirements have been met, he shall issue the permit. Said permit may be revoked by the village president, director of public works, building inspector or any village law enforcement officer (village enforcement officials) at any time when one or more of the above requirements are not complied with or if he determines that the placement of the fixture endangers the safety of the pedestrians who utilize the sidewalks.

(d) Removal by village for sidewalk obstructions and encroachments. In addition to any other penalty imposed, if any village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this section, he/she shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within 24 hours.

(e) Removal by village for obstruction and encroachments located in the village streets, alleys, public grounds or lands dedicated for public use. In addition to any other penalty imposed, if any village enforcement official determines that a village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within 24 hours.

(f) Failure to remove obstruction.

(1) If the owner or occupant fails to remove the obstruction within the time period established in subsection (d) or (e) of this section respectively, any village enforcement official shall cause the removal of the obstruction keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the village clerk shall enter those charges onto the tax roll as a special tax as provided by the state statutes.

(2) The failure of the village clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.

## **ARTICLE II. 911 ROAD NUMBERS<sup>4</sup>**

### **Sec. 22-19. Numbering system.**

All buildings/structures for residential, commercial, industrial or other uses in the village shall be assigned a 911 road number.

(Ord. No. 12-167, 7-24-2012)

### **Sec. 22-20. Assignment of numbers.**

The 911 numbers shall be assigned by the county planning and zoning department set forth in sections 1 and 2 of Ordinance No. 1994-1 Calumet County Board of Supervisors. Notification from the county will be sent to the village, W5298 Hwy 114, Menasha, WI 54952, for the newly assigned 911 numbers.

(Ord. No. 12-167, 7-24-2012)

### **Sec. 22-21. Costs.**

(a) ~~One and two family dwelling permit.~~ The costs of the digital sign and post shall be borne by the permittee.

(b) ~~Other.~~ Should an outbuilding or other structure be assigned a new 911 number without the benefit of the issuance of a one and two family building permit, the costs of the digital sign and post shall be borne by the village.

(Ord. No. 12-167, 7-24-2012)

### **Sec. 22-22. Displaying 911 road numbers.**

(a) Each property is required to display a standardized number as assigned by the village of Harrison and Calumet County.

(b) When the principle structure on the property is located less than 100 feet from the center line of a public road on which it is located:

(1) The 911 number shall be displayed on both sides of the property mailbox. All numbers shall be:

a. Numerals no less than two inches in height;

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<sup>4</sup>Editor's note(s) — Ord. No. 12-167, adopted July 24, 2012, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 22-19 – 22-24, pertained to similar subject matter and derived from Ord. No. 60, §§ A – F, adopted July 8, 1999.

State law reference(s) — Rural naming or numbering system, Wis. Stats. § 59.54(4); village cooperation, Wis. Stats. § 59.54(4m).

b. — Numerals may not be script typeface; and must be;

e. — Composed of a permanent and conspicuous color that contrasts to the background color of the mailbox to which they are attached; and

d. — Composed of reflective material.

(2) — The 911 numbers shall also be conspicuously displayed on the primary structure on the street frontage on which the number is assigned. All 911 numbers shall be designed and posted in a manner so as to be clearly legible from the street to which the number is assigned. All numbers shall be:

a. — Composed of a permanent and conspicuous color that contrasts to the background color of the structure to which they are attached; and

b. — Numerals may not be script typeface.

(3) — When a duplex or similar residential structure is located on a corner lot, each dwelling unit shall display its assigned number along the frontage on which the primary driveway or entrance is located and on the mailbox as set forth above.

(c) — When a primary structure with an assigned public number is located 100 feet or more from the center line of the road on which it is located, or if the view of the structure is obstructed by trees, shrubs, fences, or other structures, or where no mailbox is located on or immediately adjacent to the property upon which a primary structure is located, the public number shall be displayed on a freestanding post or signpost. The post shall be installed in the public road right of way, on the left side of each ingress/egress on which the principle structure is located.

(Ord. No. 12-167, 7-24-2012)

#### **~~Sec. 22-23. Maintenance.~~**

Property owners are responsible to maintain their numbers in a fashion that meets the requirements of this article and subsequent amendments. Failure to maintain their number/post, after notification, will cause property owners to be subject to the penalty provisions identified under section 22-4.

(Ord. No. 12-167, 7-24-2012)

#### **~~Sec. 22-24. Enforcement.~~**

(a) — Compliance with the provisions of this article shall be enforced by appropriate forfeitures and penalties, referenced in (b) below as amended from time to time by the village board. Compliance may also be enforced by injunction and/or mandamus.

(b) — If the village board finds that any of the provisions of this article are being violated, it shall notify the owner in writing by registered or certified mail, indicating the nature of the violation and ordering the action necessary to correct the violations. Whenever a person shall have been notified in writing, such person shall commence correcting within ten days and shall correct all violations within 30 days. If such corrections are not commenced within ten days or corrected within 30 days, the owner shall incur a forfeiture.

(Ord. No. 12-167, 7-24-2012)

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**~~Sec. 22-25. Penalties.~~**

~~Anyone who refuses to comply, post, removes, destroys or alters a sign erected pursuant to this article shall be subject to punishment according to the general penalties described in section 1-7.~~

~~(Ord. No. 12-167, 7-24-2012)~~

**~~Secs. 22-26 — 22-51. Reserved.~~**

**~~ARTICLE III. OUTDOOR PUBLIC ASSEMBLIES<sup>2</sup>~~**

**~~Sec. 22-52. Intent.~~**

~~It is the purpose of the village board of supervisors to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, law enforcement, transportation and utility services regularly provided in the village, in order that the health, safety and welfare of all persons in the village, residents and visitors alike, may be protected.~~

~~(Ord. No. 10, § 1, 5-10-1978)~~

**~~Sec. 22-53. License requirement for assemblies exceeding 200 people.~~**

~~(a) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, or sell or give tickets to an actual or reasonably anticipated assembly of 200 or more people which continues or can reasonably be expected to continue for eight or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the village board of supervisors, application for which must be made at least 30 days in advance of the assembly. A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.~~

~~(b) Definitions. The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Assembly* means a company of persons gathered together at any location at any single time for any purpose.~~

~~*Person* means any individual natural human being, partnership, corporation, firm, company, association, society or group.~~

~~(c) A separate license shall be required for each day and each location in which 200 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be established by the village board of supervisors, from time to time, and made available for public examination in the office of the village clerk.~~

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<sup>2</sup>Editor's note(s) — Ord. No. 12-167, adopted July 24, 2012, amended Art. II in its entirety to read as herein set out. Former Art. II, §§ 22-19 — 22-24, pertained to similar subject matter and derived from Ord. No. 60, §§ A — F, adopted July 8, 1999.

State law reference(s) — Rural naming or numbering system, Wis. Stats. § 59.54(4); village cooperation, Wis. Stats. § 59.54(4m).

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- (d) ~~A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets to nor permit to assemble at the licensed location more than the maximum permissible number of people.~~
- (e) ~~The licensee shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly.~~
- (f) ~~This legislation shall not apply to any regularly established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people, the maximum seating capacity of the structure where the assembly is held.~~
- (g) ~~This legislation shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed by other ordinances and regulations of the village.~~
- ~~(Ord. No. 10, § II, 5-10-1978)~~

#### **~~Sec. 22-54. Conditions for issuing license.~~**

~~Before he may be issued a license, the applicant shall first:~~

- (a) ~~Determine the maximum number of people which will be assembled or admitted to the location of the assembly; provided that the maximum number shall not exceed the maximum number which can reasonably assemble at the location of the assembly in consideration of the nature of the assembly and provided that, where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health ordinances of the village.~~
- (b) ~~Provide proof that he will furnish at his own expense before the assembly commences the following:~~
- ~~(1) A fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, at least one at or near four opposite points of the compass.~~
  - ~~(2) Potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day and water for bathing at the rate of at least ten gallons per person per day.~~
  - ~~(3) Separate enclosed toilets for males and females, meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet for every 200 females and at least one toilet for every 300 males together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations; a lavatory with running water under pressure and a continuous supply of soap and paper towels shall be provided with each toilet.~~
  - ~~(4) A sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least 2.5 pounds of solid waste per person per day, together with a plan for holding and a plan for collecting all such waste at least once each day of the assembly and sufficient trash cans with tight fitting lids and personnel to perform the task.~~

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- ~~(5) Physicians and nurses licensed to practice in the state sufficient to provide the average medical care enjoyed by residents of the state for the maximum number of people to be assembled at the rate of at least one physician for every 1,000 people and at least one nurse for every 1,500 people, together with an enclosed covered structure where treatment may be rendered, containing separately enclosed treatment rooms for each physician, and at least one emergency ambulance available for use at all times.~~
  - ~~(6) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five footcandles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly.~~
  - ~~(7) A free parking area inside of the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons.~~
  - ~~(8) Telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 1,000 persons.~~
  - ~~(9) If the assembly is to continue overnight, camping facilities in compliance with all state and local requirements, as set forth in the Wisconsin Administrative Code and ordinances of this county, sufficient to provide camping accommodations for the maximum number of people to be assembled.~~
  - ~~(10) Security guards, either regularly employed, duly sworn, off-duty state peace officers or private guards, licensed by the state, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least one security guard for every 750 people.~~
  - ~~(11) Fire protection, including alarms, extinguishing devices and fire lanes and escapes, sufficient to meet all state and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this village, and sufficient emergency personnel to efficiently operate, and required equipment.~~
  - ~~(12) All reasonably necessary precautions to ensure that the sound of the assembly will not carry unreasonably beyond the enclosed boundaries of the location of the assembly.~~
  - ~~(13) A bond, filed with the clerk of the village, either in cash or underwritten by a surety company licensed to do business in the state at a rate as established by the village board, which shall indemnify and hold harmless this village or any of its agents, officers, servants and employees from any liability or causes of action which might arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly.~~

~~(Ord. No. 10, § III, 5-10-1978)~~

#### **~~Sec. 22-55. Application.~~**

- ~~(a) Application for a license to hold an actual or anticipated assembly of 200 or more persons shall be made in writing to the village board of supervisors at least 30 days in advance of such assembly.~~
- ~~(b) The application shall contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed and sworn to or affirmed by the individual making application in the case of an individual, natural, human being, by all officers in the case of a corporation, by all partners in the case of a partnership or by all officers of an unincorporated association, society or group or, if there is no officers, by all members of such association, society or group.~~

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~~(c) The application shall contain and disclose:~~

- ~~(1) The name, age, residence and mailing address of all persons required to sign the application by subsection (b) of this section and, in the case of a corporation, a certified copy of the articles of incorporation together with the name, age, residence and mailing address of each person holding ten percent or more of the stock of said corporation.~~
- ~~(2) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owners of all such property.~~
- ~~(2) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owners of all such property that the applicant has permission to use such property for an assembly of 200 or more persons.~~
- ~~(4) The nature or purpose of the assembly.~~
- ~~(5) The total number of days and/or hours during which the assembly is to last.~~
- ~~(6) The maximum number of persons which the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably assemble at the location of the assembly, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of the village if the assembly is to continue overnight.~~
- ~~(7) The maximum number of tickets to be sold, if any.~~
- ~~(8) The plans of the applicant to limit the maximum number of people permitted to assemble.~~
- ~~(9) The plans for fencing the location of the assembly and the gates contained in such fence.~~
- ~~(10) The plans for supplying potable water including the source, amount available and location of outlets.~~
- ~~(11) The plans for providing toilet and lavatory facilities including the source, number and location, type, and the means of disposing of waste deposited.~~
- ~~(12) The plans for holding, collection, and disposing of solid waste material.~~
- ~~(13) The plans to provide for medical facilities, including the location and construction of a medical structure, the names and addresses and hours of availability of physicians and nurses, and provisions for emergency ambulance service.~~
- ~~(14) The plans, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps.~~
- ~~(15) The plans for parking vehicles including size and location of lots, points of highway access and interior roads including routes between highway access and parking lots.~~
- ~~(16) The plans for telephone service including the source, number and location of telephones.~~
- ~~(17) The plans for camping facilities, if any, including facilities available and their location.~~
- ~~(18) The plans for security including the number of guards, their deployment, and their names, addresses, credentials and hours of availability.~~
- ~~(19) The plans for fire protection including the number, type and location of all protective devices including alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment.~~
- ~~(20) The plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers.~~

~~(21) The plans for food concessions and concessioners who will be allowed to operate on the grounds including the names and addresses of all concessioners and their license or permit numbers.~~

~~(d) The application shall include the bond required in section 22-54(2)m, and the license fee.~~

~~(Ord. No. 10, § IV, 5-10-1978)~~

#### **~~Sec. 22-56. Issuance.~~**

~~The application for a license shall be processed within 20 days of receipt and shall be issued if all conditions are complied with.~~

~~(Ord. No. 10, § V, 5-10-1978)~~

#### **~~Sec. 22-57. Revocation.~~**

~~The license may be revoked by the village board of supervisors at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with.~~

~~(Ord. No. 10, § VI, 5-10-1978)~~

#### **~~Sec. 22-58. Enforcement.~~**

~~(a) The provisions of this legislation may be enforced by injunction in any court of competent jurisdiction.~~

~~(b) The holding of an assembly in violation of any provision or condition contained in this article shall be deemed a public nuisance and may be abated as such.~~

~~(c) Any person who violates section 22-53(a) or who violates any condition upon which he is granted a license may be punished according to the general penalties described in section 1-7.~~

~~(Ord. No. 10, § VII, 5-10-1978)~~

#### **~~Secs. 22-59—22-89. Reserved.~~**

## **~~ARTICLE IV. ROAD MAINTENANCE, CULVERT REQUIREMENTS AND SERVICE SIDEWALK REQUIREMENTS~~**

### **~~ARTICLE II. CULVERTS<sup>3</sup>~~**

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<sup>3</sup>Ord. No. V24-04, adopted March 26, 2024, changed the title of Art. IV from "Road Maintenance; Culvert Requirements" to "Road Maintenance, Culvert Requirements and Service Sidewalk Requirements" as set out herein.

~~State law reference(s) Village highways, Wis. Stats. § 82.01 et seq.~~

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**Sec. 22-4. Culvert Regulations**

**~~Sec. 22-90. General requirements.~~**

This article requires all contractors, agricultural operators, or any other large equipment operator to install and cover, with gravel, a tracking pad/driveway before any equipment, including the back hoe, can be moved onto the site. Such tracking pad/driveway shall meet the technical standards of the Department of Natural Resources (DNR) or Department of Safety and Professional Services (DSPS), whichever is applicable, and shall be no wider than the permitted driveway width, or 36 feet for residential or 42 feet for all other uses, whichever is less. It will be the responsibility of the contractor or operator to be sure all traffic in and out of the site is over the graveled driveway/tracking pad. It will also be the responsibility of the contractor or operator to clean any mud or other debris deposited on accepted village roads, the same day it was deposited. The village board, or its designee (building inspector), shall enforce these requirements by escrow deduction, citation, provisional remedy, stop work order, or withholding of the occupancy permit, until compliance is met.

(Ord. No. 34, § 3, 8-11-1994; Ord. No. 63, § 3, 8-12-1999; Ord. No. 83(Ser. 2002), § 1, 3-26-2002; Ord. No. 07-122, § 1, 1-30-2007; Ord. No. V15-05, 3-31-2015; Ord. No. V16-09, 5-31-2016)

**~~Sec. 22-91. Culvert regulations.~~**

~~This article and any amendments to the ordinance from which this article is derived shall be for the purpose of protecting graded ditches and roadsides and to prevent erosion in these areas.~~

~~(Ord. No. 34, § 1, 8-11-1994; Ord. No. 63, § 1, 8-12-1999; Ord. No. 83(Ser. 2002), § 2, 3-26-2002; Ord. No. 07-122, § 2, 1-30-2007)~~

**Sec. 22-~~592~~. Culvert permit.**

All applicants for a new, replacement, or extension to a culvert shall submit a culvert permit application and fee as set forth in the village fee schedule on file in the office of the village clerk, reference this code section, before the culvert is set in place. The building inspector, after consultation with the director of public works, shall approve the culvert location. Each culvert shall require a separate application and fee. The contractor shall be responsible for contacting the village's designated inspector to ensure culvert pipe is set at grade prior to covering.

(Ord. No. 34, § 2, 8-11-1994; Ord. No. 63, § 2, 8-12-1999; Ord. No. 83(Ser. 2002), § 3, 3-26-2002; Ord. No. 07-122, § 3, 1-30-2007; Ord. No. 10-148, 10-1-2010; Ord. No. V15-05, 3-31-2015)

**Sec. 22-~~693~~. Culvert size requirements.**

- (a) A culvert pipe shall have a minimum 18-inch diameter or the equivalent (18-arch pipe).
- (b) The culvert length required for a single-family residence shall be a minimum of 30 feet and a maximum of 36 feet as measured from end to end. Each culvert shall have end walls.
- (c) The culvert length required for agricultural driveways shall be a minimum of 40 feet and a maximum of 60 feet as measured from end to end. Each culvert shall have end walls. Wherever possible, the location of the driveway should be so that the driveway can be shared by two or more fields.

- (d) The culvert length required for all other uses shall be a minimum of 30 feet and a maximum of 60 feet as measured from end to end. Each culvert shall have end walls.
- (e) All culvert pipes shall be corrugated metal. End walls shall be required for all new and replacement culverts or extensions to culverts.
- (f) All equipment thereafter shall enter and exit the site on this culvert. There will be no driving through open ditches or on terraces at any time.

(Ord. No. 34, § 3, 8-11-1994; Ord. No. 63, § 4, 8-12-1999; Ord. No. 83(Ser. 2002), § 4, 3-26-2002; Ord. No. 07-122, § 4, 1-30-2007; Ord. No. 10-148, 10-1-2010; Ord. No. V15-05, 3-31-2015)

**ARTICLE III. SIDEWALKS**

**Sec. 22-794. Service Sidewalk requirements.**

(a) All applicants for a new service sidewalk shall submit a right-of-way permit application and fee before a service sidewalk is constructed. A service sidewalk shall be a sidewalk constructed in the public right-of-way between the front of the sidewalk and to the back of curb and gutter. A minimum width of three feet and maximum width of five feet shall be allowed. Service sidewalks shall be a minimum of four-inch thick concrete, using a ready-mix concrete mix. No steps shall be permitted in the right-of-way. Walk to be installed perpendicular to the street. The walk material shall be concrete. The walk shall not be in the radius of an intersection not closer than five feet from the end of the radius. The property owner shall be responsible for maintenance of the walk and adjacent curb/gutter and sidewalk. The director of public works or his/her designee shall approve the location of the service walk prior to installation.

(b) All sidewalks to be built or rebuilt in the Village shall be constructed of Portland cement concrete and shall conform to the standard concrete sidewalk specifications as prescribed by the Department of Public Works.

(Ord. No. V24-04, 3-26-2024)

Ord. No. V24-04, adopted March 26, 2024, renumbered §§ 22-94 and 22-95 as §§ 22-95 and 22-96 and enacted a new § 22-94 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

**ARTICLE IV. BUILDING NUMBERS**

**Sec. 22-8. Building Numbering**

(a) Assignment of Numbers. Building numbers shall be assigned by the Village Planner or his/her designee of each lot, building, apartment or suite its proper number or letter and so inform the County, Post Office, owner, agent, or person in possession of the premises thereof.

(b) Reassignment and correction of numbers. When address numbers or letters have been assigned on any street pursuant to this section, the Village Planner or his/her designee shall adjust and reassign such numbers or letters as required. When there is a mistake or conflict in numbers or letters, the village planner shall direct and make the proper adjustment and correction.

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(c) Addressing Standards.

1. Street visible. Address numbers and letters shall be in block, not cursive, style and shall be at least three inches tall and marked so as to be distinctly readable from the street. The numbers are to be placed in a conspicuous place on the side of or above the front door of the building or the center riser of the top steps leading to the building.
2. Nonstreet visible. Any building or building address that is not readily visible from the street providing access to the same, or any building that has a set back of more than 60 feet from the right-of-way, must have an address directory sign placed a minimum of three feet from the right-of-way but not to exceed six feet setback from the right-of-way. The sign shall be a minimum of three feet by three feet and use minimum three-inch block lettering for the street name and minimum three-inch block numbers for the street address. Such sign shall be located outside any corner visibility triangle. All nonstreet, visible addressed entities sharing a common access from a street shall share one address directory sign, which shall display addresses only.

**~~Sec. 22-95. Variance.~~**

- ~~(a) A variance request to alter the size/length of the culvert shall be submitted in writing to the building inspector or designated village personnel.~~
- ~~(b) A variance request to waive the installation of a culvert shall be submitted in writing to the building inspector or designee along with an engineer certificate verifying that the installation will not alter the drainage of stormwater in the area.~~
- ~~(c) The building inspector and public works director or designee shall make a decision regarding the variance request.~~

~~(Ord. No. 63, § 5, 8-12-1999; Ord. No. 83(Ser. 2002), § 5, 3-26-2002; Ord. No. 07-122, § 5, 1-30-2007; Ord. No. V15-05, 3-31-2015; Ord. No. V24-04, 3-26-2024)~~

~~Note(s) — See the editor's note to § 22-94.~~

**~~Sec. 22-96. Penalties.~~**

~~Any person who violates any provision of this article shall be punished according to the general penalties described in section 1-7. The village board or its designee may enforce the provisions of this article by citation, injunction or other provisional remedy.~~

~~(Ord. No. 34, § 4, 8-11-1994; Ord. No. 63, § 6, 8-12-1999; Ord. No. 83(Ser. 2002), § 6, 3-26-2002; Ord. No. 07-122, § 6, 1-30-2007; Ord. No. V15-05, 3-31-2015; Ord. No. V24-04, 3-26-2024)~~

~~Note(s) — See the editor's note to § 22-94.~~

**~~Secs. 22-96 — 22-118. Reserved.~~**

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**~~ARTICLE V. STANDARDS AND CRITERIA FOR PLATS, CERTIFIED SURVEYS AND  
ROADS<sup>4</sup>~~**

**~~Sec. 22-119. Purpose.~~**

~~The purpose of this article is to promote the public health, safety and the general welfare, and to provide for adequate provisions for the orderly layout and use of lands within the village and to set standards for the approval and acceptance of plats, certified survey's and roads.~~

~~(Ord. No. 12, § 1, 5-11-1981; Ord. No. 32, § 1, 3-10-1994; Ord. No. 62, § 1, 7-27-1999; Ord. No. 80(Ser. 2002), § 1, 3-26-2002)~~

**~~Sec. 22-120. Submission of plats and certified surveys.~~**

~~All plats and certified surveys shall be submitted a minimum of ten business days before the planning commission meeting for review by the planning commission with recommendations to the village board of such plats and certified survey's, and meet the following standards and/or criteria:~~

- ~~(a) Compliance with all provisions of county subdivision and zoning ordinances.~~
- ~~(b) All cul-de-sacs must have a minimum radius of 66 feet. Cul-de-sacs will be considered only for a hardship deemed acceptable by the planning commission and/or village board.~~

~~The planning commission may require that a topographic map be submitted along with the certified survey, to determine the proper location of culverts, ditches or easements and to provide for adequate drainage, and shall indicate all road dedications, including surface water discharge points leaving property.~~

~~(Ord. No. 12, § 2, 5-11-1981; Ord. No. 32, § 2, 3-10-1994; Ord. No. 62, § 2, 7-27-1999; Ord. No. 80(Ser. 2002), § 2, 3-26-2002)~~

**ARTICLE V. ROADWAYS**

**~~Sec. 22-9121. Standards for approval and acceptance of roadways.~~**

- ~~(a) All new roadways dedicated to the village, prior to the approval and acceptance by the village, must meet the specifications in the "Storm Sewers and Street Construction" document as published by the village and maintained in the office of the village clerk.~~
- ~~(b) Sump pumps shall be discharged to rear of all lots when storm service laterals are not provided. In the event that conditions are not conducive to rear lot drainage, and a mainline storm sewer system and service laterals within street right-of-way is not provided, a secondary sewer collection system shall be provided and~~

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<sup>4</sup>~~State law reference(s) – Village road standards, Wis. Stats. § 82.50.~~

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shall have a minimum eight inches in diameter. The storm sewer shall be designed for a five-year storm. No roof drains may be connected to storm sewer system.

- (c) village roads constructed with turn lanes shall be built to state detail specification standards. The village or their representative shall approve all turn lanes prior to construction.
- (d) The village or their representative shall inspect and approve all new roads according to the following:
  - (1) When the subbase has been properly compacted prior to graveling and ditching if applicable has been established.
  - (2) After each course of stone base has been placed.
  - (3) After each course of bituminous asphalt hot mix has been placed compacted and installation of gravel shoulders if applicable.
  - (4) After the developers engineer has certified that the construction is complete and in compliance with the plans and specifications and before final acceptance of roads by the village.

(Ord. No. 12, § 3, 5-11-1981; Ord. No. 32, § 3, 3-10-1994; Ord. No. 62, § 3, 7-27-1999; Ord. No. 80(Ser. 2002), § 3, 3-26-2002)

### **~~Sec. 22-122. Definitions.~~**

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Alley* means a public right of way which normally affords a secondary means of vehicular access to abutting property and may provide public right of way for utilities. Alleys shall be typically used in conjunction with and parallel to an arterial street to provide rear lot access to abutting properties, and to discourage access off arterial streets.~~

~~*Arterial street* means a street which provides for the relatively heavy traffic to, from or within the village. It has a secondary function of providing access to abutting land. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.~~

~~*Collector street* means a street which collects and distributes internal traffic within an urban area, such as, a residential neighborhood, between arterial and local streets. It provides access to abutting properties. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system, and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.~~

~~*Local street* means a street of little or no continuity designed to provide access to abutting, and leading into, collector streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.~~

~~*Major thoroughfare* means a street used or intended to be primarily for fast and heavy through traffic. Major thoroughfares are commonly comprised of freeways, expressways and other highways and parkways, as well as, arterial streets.~~

~~*Minor street* means a street used, or intended to be used, primarily for access to abutting properties. Minor streets shall be arranged to conform to the topography to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.~~

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~~(Ord. No. 12, § 3, 5-11-1981; Ord. No. 32, § 3, 3-10-1994; Ord. No. 62, § 3, 7-27-1999; Ord. No. 80(Ser. 2002), § 3, 3-26-2002)~~

~~**Sec. 22-123. Limitation on alterations to village roads.**~~

~~No person shall excavate, fill or install any culverts or make any alterations on, or within any road right-of-way, and shall not install any concrete driveways where there is no curb and gutter or culvert abutments or alter any existing driveways without the permission of the village. Any such installation or alterations shall be in accordance with the village road standards and shall be approved by the village prior to commencing any work.~~

~~(Ord. No. 12, § 3, 5-11-1981; Ord. No. 32, § 3, 3-10-1994; Ord. No. 62, § 3, 7-27-1999; Ord. No. 80(Ser. 2002), § 3, 3-26-2002)~~

~~**Sec. 22-1024. Remedies or enforcement.**~~

The village board may enforce the provisions of this article by injunction or other provisional remedy.

(Ord. No. 12, § 4, 5-11-1981; Ord. No. 32, § 4, 3-10-1994; Ord. No. 62, § 4, 7-27-1999; Ord. No. 80(Ser. 2002), § 4, 3-26-2002)

~~**Sec. 22-125. Road construction standards.**~~

~~All roads shall be constructed in substantial compliance with the specifications in the "Storm Sewers and Street Construction" document as published by the village and maintained in the office of the village clerk.~~

~~(Ord. No. 12, § 5, 5-11-1981; Ord. No. 32, § 5, 3-10-1994; Ord. No. 62, § 5, 7-27-1999; Ord. No. 80(Ser. 2002), § 5, 3-26-2002)~~

~~**Secs. 22-126—22-148. Reserved.**~~

**ARTICLE VI. VILLAGE ROAD CONTROLLED ACCESS REGULATIONS<sup>5</sup>**

~~**Sec. 22-149. Designation of roads as major and minor collectors.**~~

~~The designation of roads as major and minor collectors in the village shall be established by the village board of supervisors, from time to time, and made available for public examination in the office of the village clerk.~~

~~(Ord. No. 78(Ser. 2001), § 1, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 1, 7-27-2004)~~

~~**Sec. 22-150. Authority and purpose.**~~

~~This article is adopted under the authority granted by Wis. Stats. §§ 60.10(2)(c), and (2)(h), 60.22, 61.34, and Wis. Stats. ch. 236. The purpose and intent of this article is to provide the safe and efficient ingress and egress to~~

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<sup>5</sup>State law reference(s) — Powers of village meeting, Wis. Stats. § 60.10; general powers and duties, Wis. Stats. § 60.22; village powers, Wis. Stats. § 61.34; village highways, Wis. Stats. ch. 82; platting lands, Wis. Stats. ch. 236.

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certain village roads in the interest of public safety, convenience and general welfare, protect the public investment in village roads by preventing premature functional obsolescence; reduce highway accidents caused by frequent and poorly designed points of access; promote the balanced use of land for the mutual protection of landowners, motorists and the village; enhance roadway appearance for making roadway travel more pleasant and permit utilities to construct and operate telegraph, telephone or electric lines or pipe lines for the purpose of transmitting messages, water, heat, light or power, along, across or within the limits of any village road provided permits have been obtained and established fees paid therefor.

(Ord. No. 78(Ser. 2001), § 2, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 2, 7-27-2004)

### **Sec. 22-151. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Access* means a recognized point of vehicular entry onto a roadway where evidence of use has been clearly established.

*Agricultural access* means a point of access or a crossing between two commonly owned parcels on a roadway which shall be used solely for agricultural purposes.

*Controlled access road* means a village road on which the traffic is such that the village board has found and determined and declared, in the interest of public safety and general welfare, that regulation of access is necessitated.

*Private access* means a residential driveway used as a point of access to a road for purposes of serving a building designed for or occupied exclusively for one or two families.

*Trail access* means a point of access to or across a roadway for recreational purposes including but not limited to snowmobiles, all terrain vehicles, bicycles and the like.

(Ord. No. 78(Ser. 2001), § 3, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 3, 7-27-2004)

### **Sec. 22-152. Compliance With village Ordinances, Regulations And Plans.**

Any person seeking access from lands abutting a village road which has been designated by this article as a major or minor collector shall comply with the requirements of these regulations, all applicable village ordinances and regulations, master plans or master plan components adopted by the village and the official map of the village.

(Ord. No. 78(Ser. 2001), § 4, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 4, 7-27-2004)

### **Sec. 22-1153. Right of access.**

- (a) Each existing parcel of land abutting a controlled access village road having an existing access at the time of the enactment of the ordinance from which this article is derived shall be entitled to continue or maintain the access when in compliance with the provision of this article.
- (b) After the designation as a controlled access road pursuant to this article, no owners or occupants of the parcels of land created after the enactment of the article will have the right or easement of access, by reason of the fact that their property abuts the controlled access village road unless otherwise provided for herein.
- (c) Each existing parcel of land under common ownership abutting a village road at the time of enactment of the ordinance from which this article is derived shall be entitled to one access when in compliance with the

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provisions of this article. The access point shall be consistent with the purposes for controlling access existing at the time the ordinance from which this article was derived was enacted.

(Ord. No. 78(Ser. 2001), § 5, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 5, 7-27-2004)

**~~Sec. 22-154. Approval necessary for obtaining access.~~**

- ~~(a) No entrance upon or departure from controlled access major/minor collector village roads as designated in this article shall be permitted except at places specifically designated and provided for such purposes.~~
- ~~(b) No public street, roadway or highway shall be opened into or connected with any controlled access major or minor collector village road under this article or converted from a private access, an agricultural access or a trail access to a public access without review by the village plan commission and the village board and approval of the village board. The approval shall be given only if the public interest shall be served thereby and shall specify the terms and conditions upon which such approval was given.~~
- ~~(c) No access point, private access, agricultural access or trail access may be opened into or connected with a controlled access village road under this article without review by the village plan commission and the village board and approval of the village board. Such approval shall be given only if the public interest is served and shall specify the terms and conditions on which such approval is given. In the interest of public health, safety and general welfare, the village may at any time revoke this approval or require modification in the access. The permit granted by the village shall be for private access, trail access, or agricultural access only and cannot be transferred between those different uses. A new permit must be approved if a use changes or if another use is added.~~

~~(Ord. No. 78(Ser. 2001), § 6, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 6, 7-27-2004)~~

**~~Sec. 22-155. Vacation of access control.~~**

~~A controlled access major/minor collector village road shall remain such until the access control is revoked by the order of the village. The village may revoke access control on a village road or part thereof provided that after a traffic engineering survey investigation and access control study and a public hearing, the village finds that the revocation of access on such roadway or part thereof is in the public interest. The village board shall record the formal notice of revocation of access control relative to the village road.~~

~~(Ord. No. 78(Ser. 2001), § 7, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 7, 7-27-2004)~~

**~~Sec. 22-156. Addition of access control.~~**

~~The village board may invoke access control on additional village roads or parts thereof pursuant to Wis. Stats. §§ 60.10(2)(h), 60.22 and Wis. Stats. ch. 81 and village powers pursuant to Wis. Stats. §§ 60.10(2)(c), 61.34 and Wis. Stats. ch. 236. The village shall record the formal notice of access control on such village roads.~~

~~(Ord. No. 78(Ser. 2001), § 8, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 8, 7-27-2004)~~

**~~Sec. 22-157. Existing points of access.~~**

~~All existing points of access may be continued after the adoption of these regulations. However, if the village board believes that the use of an access has been discontinued for a period of at least one year, the village board may notify the owner by certified mail that it is considering vacating the access and the village board must allow~~

the owner the opportunity to reply. If the village board decides that the access has been abandoned for one year, the village may require that the access be vacated. If so determined, it is illegal to use this access point thereafter. (Ord. No. 78(Ser. 2001), § 9, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 9, 7-27-2004)

#### **Sec. 22-158. Change of use.**

Any point of access permitted under this article shall be subject to review by the village board. After such review the village board may determine that there has been a change in use which will effect safe and efficient ingress and egress to a controlled village major or minor collector. This determination shall be based primarily upon significant change in the volume of traffic or the type of vehicle using that point of access. Upon such determination, the village board may require modifications to the access to meet the requirements and specifications in this article or it may revoke the access unless otherwise provided herein.

(Ord. No. 78(Ser. 2001), § 10, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 10, 7-27-2004)

#### **Sec. 22-159. Village standards and specifications related to access.**

(a) ~~Spacing and frequency.~~ The following village standards and specifications relate to access:

- ~~(1) One access may be permitted for each parcel of land as defined under the provisions of this section, but wherever possible, when there is a choice between the two types of roads, access should be granted on roads without controlled access designation instead of controlled access major or minor collector village roads.~~
- ~~(2) Access permits shall not be issued where the horizontal distance between the access points on the controlled access major/minor collector road will be less than 600 feet unless there is no other way to provide access to an existing parcel. The village board may adopt special limitations on an access that does not comply with the 600 feet of access intervals.~~
- ~~(3) A maximum of eight access points per mile per side of highway shall be permitted unless there is no other way to provide an access to an existing parcel. The village board may require special limitations where an access point will be in excess of the eight points per mile.~~

(b) ~~Design.~~ The design of the driveway or street intersections for appropriate site distance, turn radius, angle, profile, width, parking and internal circulation shall be based upon a minimum standard of the American Association of State Highway and Transportation Officials, the National Cooperative Highway Research Program Report No. 92, Guidelines for Medial and Marginal Access Control on Major Roadways and the Wis. Admin. Code §§ TRANS 231.03, 231.07, and shall comply with the provision of the access permit issued by the village board. In locating access points along the controlled access roads the consideration shall be given to the alignment of the proposed intersection streets directly across from each other in order to facilitate safe and efficient flow of traffic across the road.

(Ord. No. 78(Ser. 2001), § 11, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 11, 7-27-2004)

#### **Sec. 22-160. Application and review procedures.**

(a) ~~Permits.~~ The procedure for access point permits are as follows:

- ~~(1) In order for any new access point on a limited access village major/minor collector road, designated as controlled access under this article to be reviewed or approved, an application for a permit shall be made to the village.~~

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- ~~(2) The authority to approve, conditionally approve, or reject applications for private access, agricultural access, or trail access or public road/street access to controlled access roads is delegated to the village board.~~
  - ~~(3) The village employees at the direction of the village board shall conduct periodic inspection to determine compliance with the article provisions and shall maintain permanent records of data submitted, recommendations of its employees and permits issued.~~
  - ~~(4) An access permit shall expire one year from the date of issuance if evidence of use has not been established within that time.~~
  - ~~(5) Upon the issuance of a permit, the point of access shall be inspected during and after construction.~~
  - ~~(6) When violations occur, the village board shall be entitled to revoke access permits.~~
  - ~~(b) *Data requirement.* The village board may require submission of a scale drawing showing the property lines, the topography, streams, lakes, and ponds, marshes and the location of existing and proposed buildings and structures, together with the engineering data, as deemed necessary, for the design of the intersection or access point.~~

~~{Ord. No. 78(Ser. 2001), § 12, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 12, 7-27-2004}~~

#### **~~Sec. 22-161. Administration and enforcement.~~**

~~(a) *Variances.*~~

- ~~(1) Any person aggrieved by an order, requirement or interpretation made by the village board may appeal such decision pursuant to the Wisconsin Administrative Code. The reviewing authority pursuant to the Wisconsin Administrative Code shall make a determination that the village board's finding was reasonably justified or may remand to the village board with direction to the village board to examine the practical difficulty and unnecessary hardship that may result from strict compliance with these regulations. Upon remand, the village board may vary the regulations so that substantial justice may be done, provided that the public interest is secured, and that such variance will not have the effect of nullifying the intent and purpose of these regulations.~~
- ~~(2) In granting variances, the village board shall request the evidence of practical difficulty, hardship, and record the reasons in the minutes of which the variance was granted.~~

~~(b) *Enforcement.*~~

- ~~(1) Any person violating any provision of this article shall upon adjudication of guilt as to such violations be subject to the general penalties described in section 1-7. In addition, the village shall be entitled to injunctive relief, including the cost to correct the highway access and other costs against any party violating this article.~~
- ~~(2) Employees and persons elected or appointed to public office in the village are hereby authorized to issue citations for violation of this article.~~

~~{Ord. No. 78(Ser. 2001), § 13, 10-30-2001; Ord. No. 2004-101(Ser. 2004), § 13, 7-27-2004}~~

#### **~~Secs. 22-162—22-190. Reserved.~~**

## **~~ARTICLE VII. UTILITY INSTALLATION<sup>6</sup>~~**

### **~~Sec. 22-191. Utility permit.~~**

~~All accepted village roads shall require a road utility permit for boring/open cutting roads. Utility companies, not the contractor, will be responsible for the permit fee, and obtaining the utility permit. The village board shall require a certificate of insurance. The amounts of the permit fee and additional charges shall be established by the village board, from time to time, and made available for public examination in the office of the village clerk.~~

- ~~(a) *Asphalt roads.* An additional charge per open cut on asphalt roads will be charged due to the expense of maintaining the roads for subsequent years following the open cutting. This fee will be assessed at the time the utility permit is issued.~~
- ~~(b) *Gravel roads.* An additional charge per open cut on gravel roads will be charged due to the continued maintenance needed from the settling of the gravel. This fee will be assessed at the time the utility permit is issued.~~
- ~~(c) *Ditch lines.* An additional charge per foot for all work done parallel to the roadway will be charged for extended maintenance. This fee will be assessed at the time the utility permit is issued.~~

~~(Ord. No. 40, § 1, 5-9-1996)~~

### **~~Sec. 22-192. Installation.~~**

~~Asphalt shall be saw cut to desired width. For the continuous safe use and passage of one lane of traffic, ample width of roadway shall be maintained at all times, unless a detour has been provided. All advance warning signs and barricades must be in place, supplied and maintained by contractor.~~

~~(Ord. No. 40, § 2, 5-9-1996)~~

### **~~Sec. 22-193. Reconstruction.~~**

~~All village roads will be brought back up to village standards by meeting the specifications in the "Storm Sewer and Street Construction" document.~~

~~(Ord. No. 40, § 3, 5-9-1996)~~

### **~~Sec. 22-194. Approval.~~**

~~Utility companies and/or their contractors are responsible for notifying the village upon completion of the job so a field inspection can be made. All roads shall be approved by the village board or its designated representative.~~

~~(Ord. No. 40, § 4, 5-9-1996)~~

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<sup>6</sup>State law reference(s) — Village highways, Wis. Stats. § 82.01 et seq.

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**~~Sec. 22-195. Waiver.~~**

~~A waiver will be issued to a utility company if there is satisfactory documentation that the width of the trench is no more than 24 inches and that once the trench exists it will be filled only using an approved slurry mix. (Ord. No. 40, § 5, 5-9-1996)~~

**~~Secs. 22-196—22-210. Reserved.~~**

**~~ARTICLE VIII. SNOW AND ICE REMOVAL~~**

**ARTICLE VI: SNOW AND ICE REMOVAL**

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**Sec. 22-~~12211~~. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Sidewalk.* A pathway consisting of a paved area within the public right-of-way for pedestrians, usually located beside a street within the public right-of-way and specifically constructed for the use of pedestrians on the outside edge of the vehicular travel way. Sidewalks are typically, but not always, curb-separated from the roadway and made of concrete, brick, asphalt or other hard surface material. The hard surfaced area of sidewalks shall be approximately six feet of width or less.

*Trail or multi-use trail.* A bicycle and pedestrian path separated from motorized vehicular traffic by an open space, barrier or curb. Trails may be within the road right-of-way or within an independent right-of-way such as an abandoned railroad bed along a stream, valley, or park. Trails are typically designed to accommodate two-way travel and are open to pedestrians, in-line skaters, wheelchair users, joggers and other non-motorized path users. They are typically surfaced in asphalt or concrete but may have hard packed/all weather gravel or dirt surfaces as well. Trails or multi-use trails, to safely accommodate a range of users, should be a minimum of ten feet wide (or eight in very constrained conditions). The village board shall assign the designation of trail or multi-use trails within the village and direct that trails so designated be marked by signs as a trail or multi-use trail.

(Ord. No. 09-143, § 1, 1-27-2009)

**Sec. 22-~~13212~~. Removal from sidewalks.**

The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk (Except sidewalks that have a terrace area - distance between the sidewalk and abutting roadway - less than three feet) shall keep said sidewalk clear of all snow and ice. In the event of snow accumulating on the sidewalk due to natural means and/or any other means, said sidewalk shall be cleared of all accumulated snow and/or ice within 24 hours from the time the snow ceases to accumulate on said sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of five feet in width. In the event that the ice has formed on any sidewalk in such a manner that it cannot be removed, the owner, occupant or person in charge of this parcel or lot which fronts upon or adjoins said sidewalk shall keep the sidewalk sprinkled with material to accelerate melting or prevent slipping.

(Ord. No. 09-143, § 2, 1-27-2009)

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**Sec. 22-~~142~~13. Notice and removal of snow from sidewalks.**

If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk shall fail to keep said sidewalk clear of snow and ice as set forth in section 22-212, the road superintendent or other authorized village officer or employee shall take the following action:

- (a) *Hazardous conditions.* If the road superintendent or other authorized village officer or employee 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 cause the issuance of a written notice to the owner, occupant or person in charge of any parcel or lot directing that the snow and ice be removed within two hours from the delivery of the notice. In the event the property owner, occupant or person in charge of said parcel or lot is unavailable to receive a written notice, the road superintendent or other authorized officer or employee shall immediately cause the removal of the snow and/or ice. The road superintendent or other authorized officer or employee shall send a written notice to the last known address of the property owner notifying him that the hazardous condition existed which required immediate abatement.
- (b) *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. 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 village, contrary to the provisions of this section, is a nuisance; and in addition to the penalty provided for the violation of this section, the village may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which said snow or ice had been removed.

(Ord. No. 09-143, § 3, 1-27-2009)

~~**Sec. 22-214. Enforcement.**~~

~~The road superintendent and his designees and all sworn county sheriff deputies are hereby authorized and directed to enforce the provisions of this section.~~

~~(Ord. No. 09-143, § 4, 1-27-2009)~~

**Sec. 22-215. Continued violation.**

Each 24-hour period where a violation occurs shall constitute a separate offense in 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.

(Ord. No. 09-143, § 5, 1-27-2009)

**Sec. 22-216. Abatement after notice.**

Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow and/or ice within the time established under subsection 22-213(a) and (b). After receiving a written notice shall result in the road superintendent causing the removal of the said snow and/or ice.

(Ord. No. 09-143, § 6, 1-27-2009)

**Sec. 22-217. Expense.**

An account of the expenses incurred by the village to abate the snow and/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 the removal of snow and/or ice shall be mailed to the last known address of the owner of the parcel or lot and shall be payable within ten calendars days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remained unpaid, the village administrator shall enter those charges into the tax roll as a special tax or special charge as provided by Wisconsin Statutes.

(Ord. No. 09-143, § 7, 1-27-2009)

**Sec. 22-218. Removal from trails or multi-use trails.**

Where the village board has designated and marked a trail or multi-use trail, the village board shall adopt a policy regarding whether natural accumulations of snow and ice shall be removed from any portion of any designated trail. If the village board determines that natural accumulations of snow and ice are to be removed, the board shall develop a policy regulating and directing the removal with the use of village employees. Landowners abutting designated trails or multi-use trails shall not be assessed for snow and ice removal.

(Ord. No. 09-143, § 8, 1-27-2009)

Sec. 22-214. Enforcement.

The road superintendent and his designees and all sworn county sheriff deputies are hereby authorized and directed to enforce the provisions of this section.

(Ord. No. 09-143, § 4, 1-27-2009)

**Sec. 22-219. 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 penalties as provided in section 1-7 of this Code of Ordinances.~~

~~(Ord. No. 09-143, § 9, 1-27-2009)~~

~~**Secs. 22-220—22-249. Reserved.**~~

***ARTICLE IX. SUMP PUMP DISCHARGE***

***ARTICLE VII: SUMP PUMP DISCHARGE***

**Sec. 22-19250. Sump pump discharge.**

- (a) All clear water discharges, known as "sump pump discharges," shall be connected directly by means of a closed pipe system to a storm sewer if a storm sewer pipe is located adjacent to the property. Said installation shall be done by a plumbing contractor following plumbing permit issuance, and must be inspected. For the purposes of this section, storm sewer shall mean any underground clear water drainage

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system located within the village street right-of-way or drainage/utility easement. Harrison projects shall be exempt from permitting. Open curb and gutter discharge shall not be used to discharge water into the storm sewer and system.

- (b) All such connections shall be made before occupancy of the buildings, if the storm sewer is in place at the start of construction of the building. Buildings constructed prior to June 1, 2015, adjacent to an existing storm sewer must be connected to said storm sewer no later than June 1, 2016.
- (c) In the event the storm sewer is installed following construction of the building, the connection shall be made within six months of the storm sewer installation.
- (d) If there is a storm sewer adjacent to the property, then the sump pump shall be connected to the storm sewer. If there is no storm sewer adjacent to the property, then the sump pump shall discharge as follows:
  - (1) To a road ditch, if provided;
  - (2) To the rear yard, not side yard; such discharge shall be a minimum of ten feet from the property line;
  - (3) Or as directed by Harrison personnel.

This section does not permit discharge into open curb and gutter drainage.

- (e) All sump pump connections shall be installed to the property line, by the property owner in question, at the property owner's expense.
- (f) The installation of the storm sewer in an unimproved street shall be provided for and paid for by the developer constructing the street.
- (g) The Village of Harrison shall assess full or partial cost, less state and federal funding, of storm sewer installations in improved streets to the abutting property owners following a public hearing.
- (h) The installation of laterals from the storm sewer to the property line in an unimproved street shall be paid for by the developer constructing the street. The Village of Harrison shall assess full or partial cost, less state and federal funding, of such installations in an improved street to the abutting property owners following a public hearing.
- (i) Installation of a storm sewer on an existing improved street or in an easement may be ordered by the Village of Harrison.
- (j) Any and all existing provisions of the Village of Harrison Municipal Code in conflict with the provisions of this article amendment are hereby repealed, and this amendment shall take effect upon passage and publication.
- (k) All storm sewer connections shall conform to the provisions of the general specifications, of the Village of Harrison.
- (l) All subdivisions approved after June 1, 2015 shall provide storm sewer laterals to each lot within the subdivision.

(Ord. No. V15-08, 5-26-2015)

## **ARTICLE VIII: ENFORCEMENT AND PENALTY**

### **Sec. 22-20 Administration**

#### **(a) Variances.**

- (1) Any person aggrieved by an order, requirement or interpretation made by the village board may appeal such decision pursuant to the Wisconsin Administrative Code. The reviewing authority pursuant to the Wisconsin Administrative Code shall make a determination that the village board's finding was

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reasonably justified or may remand to the village board with direction to the village board to examine the practical difficulty and unnecessary hardship that may result from strict compliance with these regulations. Upon remand, the village board may vary the regulations so that substantial justice may be done, provided that the public interest is secured, and that such variance will not have the effect of nullifying the intent and purpose of these regulations.

(2) In granting variances, the village board shall request the evidence of practical difficulty, hardship, and record the reasons in the minutes of which the variance was granted.

(b) Enforcement.

(1) The public works operations manager or his/her designee and all sworn county sheriff deputies are hereby authorized and directed to enforce the provisions of this section.

### **Sec. 22-21. 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 penalties as provided in section 1-7 of this Code of Ordinances.

(Ord. No. 09-143, § 9, 1-27-2009)

~~**Secs. 22-251—22-269. Reserved.**~~

## ***ARTICLE X. RELOCATED BUILDINGS***

### **~~Sec. 22-270. Relocated buildings.~~**

~~(a) *Relocated building permit.* Before any building of more than 400 square feet is moved onto a lot, from a lot, or through the village, a relocated building permit must be secured, in addition to the applicable zoning permit and building permit. These requirements do not apply to construction sheds or other temporary structures to be located on a lot for 18 months or less.~~

~~(1) *Permit required.* The applicant shall submit photographs taken from two or more angles of the structure to be moved and photos of the lot on which the structure is to be located together with adjacent lots and structures, and a route along which the structure will be moved. The building inspector shall submit to the planner a report concerning structural soundness and improvements that shall be made if the building is relocated. The public works director (director) shall submit to the planner a report concerning the road conditions of the roads along the route that the structure will be moved and any other pertinent information. The planner shall submit these reports to the plan commission and village board for review.~~

~~(2) *Board approval.* The plan commission shall report to the village board whether the structure will be compatible with other development in the area. The village board may withhold issuance of a permit for such relocation if the plan commission or village board determines that such structure would depreciate the area into which it is to be moved. The village board may place any number of conditions on the permit in order to protect the health, safety, general welfare, and property values of the area. This paragraph does not apply to moving of garages and sheds.~~

~~(3) *Bond and insurance.* Before a permit is issued to move any building over any public way in the village, the party applying therefore shall give a \$50,000.00 performance bond to the village clerk. Such bond is to be returned upon meeting the above requirements and those set forth in subsections (a)(5), (c) and~~

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~~(7) below, to the satisfaction of the director. Should the conditions set forth in this section not be met by the permittee, the director shall have the same done to his satisfaction, charging the cost thereof to the performance bond.~~

~~a. The director shall require in addition to said bond, public liability insurance covering injury to one person in the sum of not less than \$1,000,000.00 and for one accident in a sum not less than \$500,000.00 together with property damage insurance in a sum not less than \$50,000.00. If the performance bond is not sufficient to cover the costs of repairs or nuisance abatement of this section, then the additional cost will be assessed to the property and collected on the tax bill as a special charge.~~

~~(4) Moving. When a permit is issued the movement of the building shall be a continuous operation during all hours of the day and night until such movement is fully completed.~~

~~(5) Barriers. The permittee shall erect adequate barriers around the exposed excavation or foundation, either from the removal of the building from its foundation or around a foundation waiting for a building to be placed on it.~~

~~(6) Streets. Every person receiving a permit to move a building shall within one day after said building reaches its destination report to the director who shall inspect the streets and highways over which said building has been moved and ascertain their condition. If any damage is reported, the person to whom the permit was issued shall forthwith place them in good repair as they were before the permit was granted. On the failure of said permittee to do so within ten days thereafter to the satisfaction of the director, the director shall authorize to have the repairs of such damage done to village owned property and shall hold the permittee responsible for the payment of same from his bond, as provided for in subsection (a)(3) above.~~

~~(7) Completion and nuisance determined. Every person receiving a permit to move a building shall within six months after said building reaches its destination have the building complete and habitable if it is a home or complete and usable if it is a structure other than a home, to the satisfaction of the building inspector. Failure to do so shall constitute a nuisance and the building inspector, along with the planner, shall proceed with abatement or remove the nuisance. The cost of such abatement shall be charged against the bond, as provided for in subsection (a)(3). The prior basement/foundation from which the building was moved shall be filled in or removed to the satisfaction of the village.~~

~~(b) Moving of small buildings. Buildings of less than 400 square feet and less than 18 feet in height and less than 14 feet wide, including cornice, may be moved on a truck or trailer equipped with pneumatic tires. Such building may receive a permit from the public works director. All conditions required for the moving of buildings shall be met. A police escort may be required at the cost of the mover.~~

~~(Ord. No. V15-11, 6-30-2015)~~