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## **CHAPTER 5**

### **PUBLIC WORKS**

#### Section

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- 5.02 Sidewalk Construction and Repair
- 5.03 Driveways
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## **5.01 STREET AND SIDEWALK GRADES**

(1) Establishment. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded in the office of the Village Clerk. No street, alley or sidewalk shall be worked until the grade thereof is established.

(2) Alteration of Grade Prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Junction City by any means whatsoever, unless authorized or instructed to do so by the Village Board. All such alterations of grade shall be recorded in the office of the Village Clerk by the Clerk or the officer authorizing the alteration.

## **5.02 SIDEWALK CONSTRUCTION AND REPAIR**

(1) Village to Construct. It shall be the duty of the Village of Junction City to build, repair construct and perpetually maintain sidewalks along or upon any street, alley or highway in the Village, 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 Junction City, it shall proceed according to applicable Wisconsin statutes.

(2) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of Junction City unless he is under contract with the Village to do such work or has obtained a permit therefore from the Village Board at least 7 days before work is proposed to be undertaken. No fee shall be charged for such permits.

(3) Specifications. Sidewalks within the village of Junction City shall be repaired, rebuilt, and constructed in accordance with the current edition of the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction and supplements to the same (hereinafter referred to as the Standard Specifications) and the following specifications:

(a) Subgrade. Subgrade line, grade, and cross section shall be established by the Village Board.

(b) Material. Grade A concrete (Standard Specifications 501.4).

(c) Width and Thickness.

Residential: Width = 5 feet

Minimum Thickness = 4 inches

Driveway Approaches Minimum Thickness = 6 inches

Walks in residential areas may be repaired or replaced to a narrower width to match adjacent walks.

Commercial: Width = 5 feet

Minimum Thickness = 5 inches

Driveway Approaches Minimum Thickness = 7 Inches

### 5.03 DRIVEWAYS

- (1) Approval Required. No person shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a driveway permit from the Village Board.
- (2) Specifications for Driveway Construction.
  - (a) Width. No driveway shall exceed 24 feet in width at the outer or street edge of the sidewalk, unless special permission is obtained from the Village Board.
  - (b) Interference with Intersections Prohibited. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals.
  - (c) Interference with Street. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstance, shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right of way. When required by the Village Board to provide for adequate surface drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.
  - (d) Number of Approaches Limited. No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without undue impairment of safety, convenience and utility of the street by the Village Board. Any 2 approaches shall be at least 10 feet apart.
  - (e) Workmanship and Materials. All driveway entrances and approaches which are constructed across sidewalks, shall be paved in accordance with requirements for sidewalk construction in sec. 5.02 (3) of this code insofar as such requirements are

applicable, including thickness requirements in sec.5.02 (3) (c).

- (f) Permittee Liable for Damage or Injury. The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new connection shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner. Any sidewalk areas which are damaged or are inadequate by reason of vehicle travel across the sidewalk, shall be replaced in accordance with the requirements of sec. 5.02 (3).

#### **5.04 STREET AND SIDEWALK EXCAVATIONS AND OPENINGS**

(1) Permit Required. No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the Village of Junction City, without first obtaining a permit therefore from the Village Board.

(2) Fee. The fee for street opening permits shall be \$25.

(3) Bond. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village Board, in the sum of \$5,000 conditioned that he will indemnify and save harmless the Village of Junction City and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening 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 Village Board for a period of one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain laying adopted by the Village Board, and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. 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.

Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond, but it shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.

An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified above and in

the amount determined by the Village Board as necessary to adequately protect the public and the Village.

(4) Insurance. Prior to commencement of excavation work, a permittee must furnish the Village Board 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 \$200,000 for one person, \$400,000 for one accident and property damage insurance of not less than \$100,000.

(5) Regulations Governing Street and Sidewalk openings-

(a) Frozen Ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Village Board.

(b) Removal of Paving. 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 practical inconvenience to the public and permit the free flow of water along gutters or ditches.

(c) Protection of Public. Every person shall enclose with sufficient barriers for 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. Yellow lights shall be kept burning from sunset to sunrise, one yellow 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 Village Board, no trench shall be excavated more than 250 feet in advance of pipe laying or left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damages 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.

(d) Replacing Street Surface. In opening any street or sidewalk, 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 Village Board is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall immediately be 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 6 inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides 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 it for one year, shall be charged to the person making the street opening.

(6) Excavation in New Streets 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, they shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility on 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 5 years after the date of improvement or repaving unless in the opinion of the Village Board an emergency exists which makes it absolutely essential that the permit be issued.

(7) 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.

(8) Village Work Excluded. The provisions of this section shall not apply to excavation work under the direction of the Village Board by Village employees or contractors performing work under contract with the Village necessitating openings or excavations in Village Streets.

## **5.05 OBSTRUCTIONS AND ENCROACHMENTS**

(1) 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 sub. (2).

(2) Exceptions. The prohibition of sub. (1) shall not apply to the following:

(a) Public utility encroachments duly authorized by state law or the Village Board.

(b) Goods, wares, merchandise, or fixtures being loaded or unloaded, which do not extend more than 3 feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours.

(c) Temporary encroachments or obstructions authorized by permit under sub. (a).

(d) Excavations and openings permitted under sec. 5.04.

(e) The following exceptions are not allowed along state trunk highways, but are allowed along other streets, alleys, and sidewalks within the Village:

1. Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the street, alley, or sidewalk.

2. Awnings which do not extend below any point seven feet above the street, alley, or sidewalk.

(3) Street Privilege Permit.

(a) When Required. Permits for the use of the streets, alley sidewalks or other public ways or places of the Village may be granted to applicants by the Village Board for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by Chapter 9 of this code.

(b) Bond. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Village Board, conditioned that the applicant will indemnify and save harmless the Village of Junction City from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and

sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.

- (c) Fee. The fee for a street privilege permit shall be \$25.00.
- (d) Conditions of Occupancy. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Village Board for violation thereof:
  - 1. Such temporary obstruction shall not block not more than 1/3 of any street or alley.
  - 2. Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
  - 3. Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than 4 feet in width guarded by a closed fence at least 4 feet high on both sides may be maintained during the period of occupancy.
  - 4. The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Village Board, shall continue during all hours of the day and night.
  - 5. No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - 6. Buildings shall be moved only in accordance with the route prescribed by the Village Board.
  - 7. Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (e) Termination. All street privilege permits shall automatically terminate at the end of 3 months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Village Board.
- (4) Removal by Village. in addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect



to remove such obstruction within 24 hours after notice from the Village Board to remove such obstruction and make return of the cost and expense thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

## **5.06 SNOW AND ICE REMOVAL**

(1) Responsibility of Owner, Occupant, Etc. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Junction City 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 snow has quit falling 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 or sand.

(2) Reminder/Notification. A written notice concerning snow removal may be a notice placed in the 3<sup>rd</sup> quarter of the Village newsletter, a notice placed on the sign in front of the Village Hall or a notice written by the Village to the property owner/occupants. This will be the only notification to the owner or occupant for compliance with the ordinance.

(3) Penalty. The penalty for violation of any provision of this section shall be: The Village will have the snow and ice removed at the property owner's expense.

(4) The provisions of this section may be suspended by action of the Village Board.

## **5.065 DEPOSIT OF SNOW ON PRIVATE PROPERTY**

(1) It shall be a violation of this ordinance for any person, firm or corporation to dispose of, dump or deposit snow or ice from private or commercial property onto any road right of way, sidewalks or upon any public or private lands not owned by that person, firm, or corporation in the Village of Junction City.

(2) Penalty. Such action may result in an order to remove such snow or ice and/or a penalty of \$25.00 and court costs per violation.

## **5.07 TREE TRIMMING AND SANITATION**

(1) Trees to be Kept Trimmed. Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so

that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14 feet and a clearance of not less than 10 feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous.

(2) Hazardous and Infected Trees. Any tree or part thereof, whether alive or dead, which the Village Board shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Board shall give written notice to said owner to remedy the situation which shall be served personally or posted on the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours nor more than 14 days as determined by the Village Board on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village Board shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk who shall thereupon enter such cost as a special charge against the property.

## **5.08 PENALTY**

The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided together with any associated costs imposed as provided in the Wisconsin Statutes or the Village's deposit schedule as appropriate.