CHAPTER 5

STREETS AND SIDEWALKS

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5.01 STREET AND SIDEWALK GRADES.

(1) ESTABLISHMENT. The Director of Public Works shall establish the grade of all streets, alleys and sidewalks. No street, alley or sidewalk shall be worked until the grade thereof is established. The grades of all streets having curb and gutter on the effective date of this code are established at the levels then existing.

(2) ALTERING GRADE PROHIBITED. No personal shall alter the grade of any street, alley, sidewalk or public ground or any part thereof unless authorized and instructed to do so by the Director of Public Works.

5.02 OFFICIAL STREET MAP.

(1) ESTABLISHMENT. There is established an Official Map of the City showing the location and width of streets, highways and parkways as laid out, adopted and established. Such Official Map consists of 2 sheets: Sheet 1 of 2 (Street Development Plan), showing the location and width of streets within the City limits and adjacent thereto; and Sheet 2 of 2 (Street Extension Plan), showing the location and width of the extension of the major street system of the City into the adjacent unincorporated area over which the City can exercise extraterritorial jurisdiction in accordance with Sec. 62.23 (6), Wis. Stats.

(2) PLAT APPROVAL. No land subdivision plat shall be approved unless such plat conforms to the Official Map.

(3) PERMITS. For the purpose of preserving the integrity of the Official Map, no building shall be erected or located within the bed of any street, highway or parkway shown on the Official Map unless a permit therefor shall first have been applied for and issued in accordance with sec. 62.23 (6), (d), (e), (f) and (g), Wis. Stats. The applicant for such a permit shall submit to the Building Inspector with his application an accurate plot plan, certified by a qualified surveyor, showing the location of the proposed building with reference to any street, highway or parkway shown on the Official Map.

(4) CHANGES AND AMENDMENTS. The Common Council may, whenever and as often as it may deem it for the public interest, and after a public hearing as provided in sec. 62.23 (6) (b), Wis. Stats., change or add to the Official Map of the City so as to establish the exterior lines of planned new streets, highways and parkways or to widen, narrow, extend or close existing streets, highways or parkways.

(5) REGISTRATION. The City Clerk shall file with the Register of Deeds of Calumet County a certificate showing that the City has established an Official Map and shall do likewise as to any changes or additions.

5.03 SIDEWALK INSTALLATION. (Ord. #957 2/18/03)

(1) POLICY. It is policy of the City that safe pedestrian traffic requires sidewalks on certain streets in the City. Such streets include arterial and collector streets, and streets bordering or providing routes to schools, parks, churches, health care facilities, commercial businesses, day cares and other institutional uses. All sidewalks shall be installed by the City to maintain uniformity and maintenance.

(2) GUIDELINES FOR INSTALLATION. Consistent with this policy, the following guidelines will be followed in determining where sidewalks shall be installed:

(a) Existing, Improved Streets. In areas where streets have been fully improved with curb and gutter but lack sidewalk, the Common Council may order the installation of sidewalk in order to provide safe pedestrian traffic. This may only involve installation on one side of the street.

(b) Existing, Unimproved Streets. In areas where existing streets have not been improved with curb and gutter, at the time of installation of the curb and gutter, sidewalk shall also be installed on both sides on those streets where safe pedestrian traffic requires. This would include the types of streets described in paragraph (1), plus cul-de-sacs in excess of 500 feet in length.

(c) New Subdivision and Streets. Sidewalks shall be installed on all streets (both sides) except for cul-de-sacs under 500 feet in length. Such installation shall occur on each street once 70% of the lots abutting on such street are occupied. The plat or certified survey map shall show the location of such required sidewalks. (Ord. #976 7/20/04)

(d) Narrow Streets. Sidewalks shall not be required along streets where the right-of-way is three rods (49.5 feet) or less. (Ord. No. 997 10/3/2006)

(3) COST. The cost of new sidewalk installation shall be borne by the abutting property owner or the developer in the case of a new subdivision. The City shall proceed to construct the sidewalk and assess the cost thereof to the abutting owner pursuant to either Section 66.0703 or 66.0907 of the Wisconsin Statutes. (Ord. #1009 2/6/07, Ord. #957 2/18/03)

(4) SPECIFICATIONS. New sidewalks shall be constructed in accordance with the following specifications:

(a) Width. Sidewalks shall have a width as prescribed by sec. 17.03(4) (c) of the Municipal Code.

(b) Longitudinal Grade. The grade of all sidewalks shall conform to the

established grade ordinances and plan for the street on which the sidewalk is to be constructed. The Director of Public Works must approve any deviation from the grade ordinance in writing.

In no case shall the longitudinal grade deviate no more than ¾" per foot from the established grade for such walk. Any change in the longitudinal grade shall be constructed in such a manner as to be smooth and pleasing in appearance. Abrupt breaks in grade shall be avoided.

(c) Transverse Grade. Sidewalks shall slope from the lot line towards the street in order to provide adequate drainage. This slope shall in general be a minimum of ¼" and a maximum of ½" per foot.

(d) Thickness and Mix. Sidewalks shall be a minimum of 4" nominal thickness with the exception of a driveway section and approaches, which shall have a minimum thickness of 6". Concrete mix shall be 5 ½ Portland cement per cubic yard of concrete. There shall be 2" thick sand or crushed gravel base provided for all sidewalks, where necessary, and compacted to the specifications of the Director of Public Works.

(5) REPAIR OF EXISTING SIDEWALK. The City shall undertake and pay for the repair and replacement of existing sidewalks, where due to age and deterioration such action is necessary. It has been past practice and will continue to be the practice of the City to evaluate one ward each year for repair and replacement where needed. However, where safety requires, repairs and replacement can be done anywhere. Where repair or replacement is required because of damage or conditions caused by the abutting property owner or that owner's invitees or agents, then the cost and responsibility for such repair or replacement shall be borne by the abutting property owner. The procedures described in paragraph (3) will be followed.

(6) EXCEPTIONS AND VARIANCES. A property owner who is required to install sidewalk may seek an exception or variance from the City where topography or other conditions exist that create a hardship or result in an impracticality, or where enforcement of the provisions of this ordinance result in an unreasonable hardship or impracticality. Any exception or variance granted shall not compromise the stated policy of safe pedestrian traffic. The property owner must petition for a variance or exception within 30 days after being notified by the City to install the sidewalk. The Public Works Committee shall hear the petition and make a recommendation to the Common Council. The Council will make the final determination as to whether or not an exception or variance is granted. Provided, however, the City reserves the right to revoke an exception or variance where subsequent circumstances require the installation of sidewalk in compliance with this ordinance.

Also, in areas where the property owner has extensively landscaped, graded or improved the abutting property in such a way as to substantially increase the cost of installing sidewalk, and such work was done in reliance upon direction from the City in the past that installation of sidewalk would not be required in the future, then in

that instance the City will underwrite part or all of the cost of re-landscaping, grading and relocation of improvements which are over and above what would be considered normal and customary.

5.04 PRIVILEGES IN STREETS.

(1) PERMIT REQUIRED. The privilege for an obstruction or excavation beyond the lot line or within any street in the City shall be granted only as provided in this section. No person shall obstruct or excavate within any street right-of-way unless such person has first secured a permit from the Department of Public Works, excepting for sidewalk installation required under section 5.03.

(2) EXCAVATIONS: RESPONSIBILITIES OF PERMIT HOLDER.
The privilege of excavating within the street right-of-way shall be granted only on condition that the permit holder assumes the following responsibilities: (Ord. #879 5/4/99)

(a) The Applicant agrees to indemnify and hold harmless the City, its employees and its agents, from any liability arising out of the issuance of exercise of this permit.

(b) The permit holder shall file an appropriate performance bond with the Director of Public Works in the amount of $10,000.00 running to the City, and such third parties as may be injured, to secure the performance of these conditions: This requirement may be waived by the Public Works Director if applicant provides other satisfactory proof of financial responsibility as determined by the Public Works Director; or if Public Works Director determines that the circumstances do not merit the filing of such bond. (Ord. #583 10/5/82)

(c) The permit holder shall not open cut the entire street at any one time so as to prohibit vehicular traffic, excepting that the Director of Public Works may grant an exception to this condition upon a determination that such opening would not adversely affect public health or safety, and that it is in the best interest of the City.

(d) Upon completion of the necessary work and before any backfilling is commenced, the permit holder shall notify the Department of Public Works to allow for the necessary inspections.

(e) The permitted facilities shall, if necessary, be altered at the expense of the Applicant to permit alteration, improvement, or maintenance of the highway as may hereafter be ordered. The entire cost of constructing and maintaining the permitted facilities shall be the obligation of the Applicant unless a contract for such costs has been executed.

(f) No open cutting for a crossing will be allowed where the pavement is too narrow to maintain one-way traffic at all times, unless the City has granted

permission. Wherever the pavement is opened, the soil shall be hauled away and the trench shall be backfilled and compacted in layers with materials meeting the City's specifications. The pavement removed for a road crossing shall be replaced as per the City specifications.

(g) When one-way traffic or a detour is used, the Applicant shall provide ALL NECESSARY SIGNS, FLAGMEN AND LIGHTS required according to the "Manual on Uniform Traffic Control Devices". When detour is allowed, City Police Chief or County Sheriff shall be notified by the Applicant in advance of the work being started.

(h) All disturbed areas shall be returned to their present condition or better, subject to the satisfaction of the City. Access to all private drives and public street intersections shall be maintained and all disturbed areas completely restored.

(i) Any trenching, tunneling, or excavating shall be performed in accordance with the requirements of OSHA and the State of Wisconsin and any applicable local regulations.

(j) All open excavation shall be barricaded for public safety and all excess excavation material shall be removed from the right-of-way by the permit holder.

(k) Terrace openings may be filled with excavated material.

(l) A copy of this approval, along with any plans and special provisions, shall be on the job site.

(m) Upon completion of the work, the Applicant shall file a written notice with the City.

(3) SCHEDULE OF FEES. Compensation for the special privilege of obstructing or excavation within the right-of-way shall be paid into the general fund. The fee for such privilege shall be established by the Public Works Director. All fees must be paid before a permit is issued. (Ord. #976 7/20/04)

(4) GENERAL CONDITIONS. The permit holder shall be obligated to remove any obstruction or excavation upon 10 days written notice by the Department of Public Works.

5.045 ACCESS TO CITY STREETS

(1) APPLICABILITY. This Ordinance shall be applicable to all existing accesses to City Streets, including driveways whether a permit was issued in the City of Chilton prior to the date of enactment of this Ordinance.

(2) PURPOSE AND INTENT. The purpose of these regulations is to promote the safe and efficient ingress and egress to City streets in the interest of public safety by assuring that driveways accessing to City streets meet certain engineering safety requirements; to reduce accidents caused by frequent and poorly designed driveways; to reduce soil erosion adjacent to City streets; to promote the balanced use of land for the mutual protection of landowners, motorists and citizens of the City of Chilton; and to enhance the appearance of City streets so as to make street travel more pleasant.

(3) SEVERABILITY. If any section, provision or portion of this Ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

(4) COMPLIANCE WITH ORDINANCE. Any property owner seeking to construct, reconstruct or change the use of a driveway with access upon a City Street within the City of Chilton shall comply with the requirements of this Ordinance.

(5) DEFINITIONS. For the purpose of this ordinance, certain words or phrases used herein are defined as follows:

(a) Access – a recognized point of vehicular entry on to a street where evidence of use has been clearly established.

(b) Agricultural Driveway – A point of access to highway for purposes of utilization of natural resources for the purpose of raising and selling basic food stuffs, but not including the extensive processing of raw goods. This shall also cover any real estate used for grazing.

(c) Commercial Driveway – A point of access to a City Street for purposes of commerce, including dwellings designed for occupancy of more than two families'.

(d) City of Chilton Director of Public Works – The City of Chilton Director of Public Works and his designees (herein after referred to as the “Director”).

(e) Public Works Committee – The Public Works Committee of 3 individuals appointed by the Mayor for a one-year term expiring in April of each year.

(f) Driveway – A point of access to a street.

(g) City Street – A street or road, primarily for access to residence, commercial, or other abutting property.

(h) Intersection – A place where two streets intersect.

(i) Residential driveway – A point of access to a street for purposes of serving a building designed for or occupied exclusively for one to two families.

(6) PERMIT REQUIRED TO CONSTRUCT OR RECONSTRUCT DRIVEWAY.

(a) No entrance upon or departure from a City Street within the City of Chilton may be constructed reconstructed or have a change in use without the property owner first obtaining a permit from the Director. This shall include the blacktopping and concreting of existing driveways. The person applying for an access permit shall complete an application and submit all fees as established by resolution to the City of Chilton before the permit is issued. (Ord. No. 1087, 4/17/12)

(b) Applications for permits shall be obtained from the City of Chilton Director, 42 School Street, Chilton, WI 53014.

(c) The Director shall approve or deny the permit in accordance with the standards of Sections (8) thru (11) of this Ordinance within 30 days of receipt of the application and fee.

(d) An access permit shall expire 90 days from the date of issuance if evidence of use has not been established within that time.

(e) When a violation of this ordinance occurs, the Director may revoke any access permit(s), which is the subject of the violation.

(f) In addition to the permit application, an applicant may be required to submit sufficient information including, but not limited to scale drawing, engineering data, traffic generation, property lines, topography, streams, lakes and ponds, marshes and the location of existing and proposed buildings and structures etc. as a condition for approval.

(g) Permits shall be issued only in the name of the owner of the property upon which driveway construction, reconstruction or change of use is to occur.

(h) A non-refundable charge shall be assessed by the City Clerk to those making application for the issuance of a permit for the construction or reconstruction of an entrance or departure upon a City Street. A charge shall also be assessed for the removal of an illegally placed driveway (actual costs incurred). Said fee shall cover the cost of inspection and review only.

(7) TEMPORARY PERMITS.

(a) The Director may designate a private access point as “temporary” and submit to periodic review. In the interest of public safety, convenience and general

welfare, the Director may revoke a "temporary" access permit or it may require modifications to remedy a problem situation.

(b) A City Street or highway shall not be opened into or connected with a designated controlled access street without the approval of the Director.

(c) No access point shall be converted to a City Street or highway unless approved by the Director.

(8) LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS

The location, design and construction of an entrance upon or departure from a City Street shall be in accordance with the following policies and limits, which in no case shall be exceeded unless specific written authorization is obtained from the Director.

(a) A driveway shall have a minimum of 10 ft. (10') and a maximum top width of (24) feet for residential or agricultural and a maximum driveway top width of thirty-five (35) feet for commercial. The entire driveway roadway and its appurtenances shall be contained within the frontage along the street of the property served unless otherwise approved by the Director.

(b) All driveways shall be constructed so as to ingress and egress the City Street at an angle of ninety (90) degrees to the City Street, unless otherwise approved by the Director.

(c) A driveway shall not provide direct ingress or egress to or from a City Street intersection, and shall be no less than 30 feet (30') from end of corner radius where curb and gutter is installed and 30 feet from the intersecting right-of-way on streets with no curb and gutter.

(d) All driveways shall be constructed of solid load bearing material. The top surface of the driveway shall consist of at least six inches of gravel upon the traveled portion.

(e) Concrete approaches or aprons shall be required within the street right-of-way in curb and gutter areas.

(f) Driveways shall not obstruct or impair drainage in highway side ditches or roadside areas. A culvert shall consist of a corrugated metal culvert pipe with apron end walls. The culvert length shall be determined by the Director. The culvert and apron endwalls shall be furnished by the property owner.

(g) All driveways, in open ditch streets shall be constructed or reconstructed to have sloped sides, unless the streets have curb and gutter. Such construction shall be accomplished using only soil materials. The side slopes of the driveway shall be sloped at no more than a length to height grade ratio of 4:1.

All slopes shall be seeded or sodded by the property owner. Culvert size shall be a minimum of 18".

(h) The restricted area between successive driveways may be filled in or graded down only if the following requirements are fully complied with:

(1) The filling in or grading down shall be to grades approved by the Director except where street drainage is by means of curb and gutter, in which case water drainage of the area shall be directed away from the street roadbed in a manner approved by the Director.

(i) The City of Chilton Public Works Director may impose any other requirements deemed necessary with regard to the construction of any driveway so as to promote the safe and efficient ingress and egress to the Street and to protect the public investment in the street.

(9) CHANGE IN USE. In the event the property owner changes the use of the driveway from residential to commercial and/or agricultural, the property owner shall apply for a permit for such change of use as required in this ordinance. The Director may require modification to the access to comply with this ordinance or may revoke or disallow the change of use of the access.

(10) VARIANCES. Any person or any office or department aggrieved by an order, requirement or interpretation made by the Director of Public Works may petition for a variance under section 10.03(9) of the Municipal Code. (Ord. #1016 6/5/07)

(11) VIOLATIONS AND PENALTIES.

(a) Any property owner violating any provisions of this section of the Code, shall, upon adjudication of guilt as to such violation, be subject to a penalty of not less than $50 nor more than $100 for each violation. In addition, the City shall be entitled to injunctive relief.

(b) In addition, the City of Chilton may take corrective action to eliminate the violation. The reasonable cost to be assessed against the abutting property or the access where the violation is occurring.

5.05 PLACING MATERIALS IN STREETS. No person shall place or cause to be placed any materials in or upon any street, sidewalk, alley or public square without written permission from the Director of Public Works. (Ord. No. 1069 1/18/2011)

(1) Materials Defined. Materials deemed unlawful by this section shall consist of any matter foreign to the surface on which it is placed or which has not been placed thereon by direction of the Director of Public Works or which is not placed thereon by action of the elements. These materials may consist of, but are not confined to, earth, stone, masonry materials, snow, ice, vegetable matter or debris of any nature.

(2) Removal Required. Any person depositing Material on any street, sidewalk, alley, parking lot and other city owned property in violation of this section shall remove such material within eight (8) hours of being ordered by the Director of Public Works and/or Police Department. In the event if such order is not complied with to such violator shall be responsible for actual cost of removal of Material and/or subject to a penalty in Section 20.04 of the Municipal Code.

5.06 SNOW AND ICE REMOVAL. (Ord. No. 1096 1/18/2011)

(1) The owner of any lot or lots abutting a sidewalk in the City right-of-way shall keep the same clear of snow and ice to the width of such sidewalk at all times at the owner's expense. It shall be the judgment of the Director of Public Works or designee whether or not the sidewalk is considered to be adequately cleared. (Ord. No. 767 1/5/93)

(2) Residents of the City of Chilton shall be required to remove snow or ice within 36 hours after a snowfall, sleet or succession of drifting. If the owner has not cleared the sidewalk within 36 hours, the Director of Public Works or designee shall have the sidewalk cleared at the owner's expense. The expense thereof shall be paid by the property owner at a cost established by the Department of Public Works per lineal foot of lot frontage, per cleanup. The clerk shall invoice each property owner. If the invoice remains unpaid then the provisions in (3) shall apply. (Ord. #523 12/4/79, Ord. #546 1/20/81, Ord. #569 3/3/82 & Ord. #1012 4/3/07)

(3) The Director of Public Works shall, pursuant to Wisconsin Statutes, Sec. 66.0907(5) keep an accurate account of the expenses of clearing or removing such snow and ice in front of each lot or parcel of land, and shall report the same to the City Treasurer who shall annually prepare a statement of the expense so incurred in front of each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by such Clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.

(4) Removal of snow and ice from public sidewalks or private property by the owner thereof shall not create a hazard to traffic by being deposited on the City streets. It shall be the sole discretion of the Chief of Police and Director of Public Works whether or not a hazard to traffic exists by such a deposit. Upon written complaint of the Chief of Police filed with the Director of Public Works that such a hazard to traffic exists, the Director of Public Works shall have the authority to clear the area of the hazard. The expense thereof shall be paid by the property owner at the actual cost of the removal.

(5) The owner of any such lot may, no late than November 15 of each year, apply to the Director of Public Works on forms provided for such purpose, for an exemption from the removal of snow and ice upon such property for the forthcoming winter season. The Director of Public Works may, upon a showing of sufficient cause, including but

not limited to, dead-end sidewalks, sidewalks not contiguous with abutting sidewalks and sidewalks not frequented by pedestrians, grant the exemption for the term of the forthcoming winter season. An exemption is valid only for the season granted and must be applied for each new winter season.

(6) In the event of a snow emergency and it becomes physically impractical to clear walks because of large amounts of snow, the Director of Public Works has authority to extend the 36 hour time limit in (2) above.

(7) The owner of any lot or lots abutting a sidewalk in the City shall take proper measures by way of sanding, salting or otherwise to insure that slippery or icy sidewalks are safe for pedestrian travel. A reasonable amount of sand may be procured from the City Garage for such purpose.

(8) The Council empowers the Director of Public Works to employ his authority at his discretion to eliminate any and all dangerous conditions and safety hazards. In the absence or inability of the Director of Public Works to so act, it shall be the duty of the Chief of Police to enforce this ordinance; in the absence of both; the Mayor shall appoint a proper City official or employee for this purpose.

(9) Notice of the provisions of this ordinance shall be published in the first yearly November edition of the City official newspaper, and no other notification shall be made to owners who are in violation of the ordinance.

5.07 UNIFORM BUILDING NUMBERING SYSTEM.

(1) There shall be a uniform system of numbering houses and buildings fronting all streets, avenues and public ways in the city and all houses and buildings shall be numbered in accordance with this section.

(2) Main Street shall constitute the base line for numbering along all streets running north and south, and Madison Street shall constitute the base line for numbering along all streets running east and west.

(3) The numbering for each street shall begin at the base line. The numbers within the first block shall be from 10 to 99, the second block shall be 100 to 199, the third block shall be from 200 to 299, etc. There shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other, and one number shall be assigned to each 25 feet of frontage. In blocks or equivalent space longer than 1,250 feet, which is not intersected by a street, the total length of space divided by 50 shall be used to determine the feet of frontage assigned to each number.

(4) All lots and houses on the south and west side of all streets shall be numbered with odd numbers, and all lots and houses on the north and east side of all streets shall be numbered with even numbers, each commencing with the hundred assigned to that block, and shall increase from the base line, one number for each 25 feet of frontage

or fraction thereof, except as provided in subsection (3). Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, providing the building is 25 feet or more in width. If the building is not 25 feet or more in width and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting on 2 or more streets shall have a number assigned only to the main entrance, unless other entrances serve different occupants.

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

(6) (a) The Common Council has caused a survey to be made and there is assigned to each house and building located on any street, avenue, alley or highway, its respective number under the uniform system provided for in this section, as shown on the house-numbering map made a part of this section. The owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system provided for in this section.

(b) The cost of such number or numbers shall be paid for by the property owner, and the numbers used shall be not less than 3 inches in height.

(c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street. Whenever any building is situated more than 50 feet from the street line, the number of such building shall be conspicuously displayed in an appropriate place so as to be easily discernible from the sidewalk.

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

(8) For the purpose of facilitating correct numbering, a copy of a map showing the proper numbers of all lots or houses fronting upon all streets, avenues, or highways, shall be kept on file in the office of the City Clerk. This map shall be open to inspection by all persons during the office hours of the Clerk.

(9) The City Clerk shall inform any party applying therefor of the number or numbers belonging to or embraced within the limits of said lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any lot or building, the Clerk shall determine the number of such lot or building.

(10) Whenever any house, building or structure shall be erected or located in the City, the owner shall procure the correct number or numbers so assigned upon the building as provided by this section. No permit shall be issued for any house; building or structure until the owner has procured from the Clerk the official number of the premises.

(11) All police officers shall report the violation of this section.

(12) If the owner or occupant of any building required to be numbered by this section shall neglect for more than 30 days to duly attach and maintain the proper number on such building, the City Clerk shall cause to be served upon him a notice requiring such owner or occupant to properly number the same, and if he neglects to do so for 10 days after the service of such notice, he shall be deemed to have violated this section.

(13) If the owner of any building fails to properly number said building or portion thereof as required by this Section, then the building inspector shall have the building properly numbered by the best means available and shall charge to the owner of said building or portion thereof $20.00 for each unit so numbered. (Ord. #646 6/17/86)

5.08 TREE PLANTING, PRUNING AND REMOVAL**.** (Ord. #782 4/19/94)

(1) PURPOSE AND INTENT. It is the intent of this code to promote and protect the public health and safety by regulating tree planting, pruning and removal.

(2) DEFINITIONS. The following terms shall have the meanings indicated in this section.

(a) Person. Any individual or entity.

(b) Public Area. Land owned, controlled, or leased by the City of Chilton, including but not limited to, road right-of-way, terraces, and park lands.

(c) Public Nuisance.

1. Communicable Disease. Any potentially fatal disease infecting trees growing on either public or private property that is capable of infecting other trees within the City.

2. Hazardous Trees. Any tree that displays a loss in structural integrity, limbs and/or trunk, so as to represent a danger to the general public.

3. Insect Infestations. Existing insect populations that severely threaten the life of the tree(s) and have the potential to spread and cause damage to other trees within the City.

(d) Terrace. The area between the sidewalk and street or where there is no sidewalk, the area between the right-of-way line and street.

(e) Tree. Any woody plant which reaches a mature height taller than 15 feet.

(3) TREE BOARD. (Ord. #1117 5/19/2015)

(a) Composition. The Chilton Tree Board shall be comprised of members of the Culture and Recreation Committee.

(b) Duties and Responsibilities. The Chilton Tree Board will be responsible for reviewing and making recommendations on urban forestry management policies, urban forestry budgets, and community education and awareness programs.

(4) CITY FORESTER. The Director of Public Works shall serve as City Forester

(a) Responsibilities.

1. The City Forester will be responsible for the administration of all maintenance activities, including planting of all trees growing in public areas and the administration and enforcement of this section.

2. The City Forester shall keep and maintain and make available copies of the City's Tree Ordinances, Tree Maintenance Manual, and Comprehensive Planting Plan.

3. The City Forester shall issue and administer permits for the pruning, removal, and planting of trees on public areas by the adjacent property owner.

(5) PUBLIC NUISANCE ABATEMENT. The City shall have the right in the interest of public health and safety and pursuant to its police power, to abate public nuisances as defined in this section as follows:

(a) Abatement Order. Upon investigation and determination by the City Forester that a tree constitutes a public nuisance, the City Forester shall cause to be served upon the property owner a written abatement order detailing the nature of the nuisance; the particular tree or trees affected; the method or manner of abatement (including wood disposal): and the date by which such abatement must take place.

(b) Appeal. If a property owner disputes the Abatement Order, such owner may appeal the order by filing with the City Clerk a written request to appeal the Order. Such request shall be filed within 10 days of service of the Abatement Order and shall state the basis for the appeal. The appeal shall be heard within 30 days by the Street, Sidewalk & Lighting Committee. Written notice of the date and time of the appeal hearing shall be mailed by the City Clerk to the property owner at least 10 days before the hearing. The property owner shall present his or her basis for the appeal. The City Forester shall also appear to respond to the appeal as necessary. The committee shall affirm, reverse or modify the Abatement Order. Such decision shall be final and binding upon the property owner. **Revised 5/19/2015**

(c) Noncompliance. If a property owner fails to comply with the Abatement Order, or the decision of the committee upon appeal, then the City may enter upon the property, or contract with a third party to enter upon the property to abate the nuisance by removing part or all of the affected tree or trees. The cost of such removal and disposal shall be assessed against the property on which was located the public nuisance.

(6) TREE MAINTENANCE.

(a) Publicly Owned Trees.

1. Except as provided in subsection (7), the City shall maintain any tree growing on public areas.

2. The City shall utilize those standards for pruning of trees on public property as detailed in the Tree Maintenance Manual.

3. The City shall routinely monitor and maintain adequate clearance for sidewalk and vehicular travel, traffic signs, lights and other structures.

4. The City shall routinely survey and remove, or cause to be removed, those limbs of sufficient size to cause either bodily harm or property damage, that are dead, dying, or broken.

5. Utility Companies shall notify the City Forester prior to the pruning of any tree on a public area for the purpose of maintaining utility line clearance. All pruning shall comply with accepted arboricultural standards for line clearance and the Tree Maintenance Manual.

6. No person shall prune more than 20% and/or remove any tree on a public area without a permit, issued free of charge by the City Forester. All pruning shall comply with the Tree Maintenance Manual.

7. Any person pruning or removing any tree on a public area shall be held liable to public property as the result of such pruning and/or removal.

(b) Privately Owned Trees. Persons who own property adjacent to public areas shall prune and/or remove any tree so as to maintain adequate clearance for sidewalk and vehicular travel, traffic signs, lights and other publicly owned structures.

(7) TERRACE TREE PLANTING POLICIES.

(a) No person or entity shall plant a tree in the terrace without first obtaining a permit, free of charge, from the City Forester and shall follow the following procedures.

(b) No tree shall be planted in a terrace with a width of less than 6 feet.

(c) No tree shall be planted closer than 60 feet from the nearest road intersection.

(d) No tree shall be planted closer than 15 feet from the adjacent properties approach drive.

(e) No tree shall be planted within 15 feet of a fire hydrant.

(f) No tree shall be planted within 15 feet of a utility pole.

(g) Only tree species listed in the Comprehensive Planting Plan shall be planted in the terrace.

(h) Upon receiving a planting permit, the property owner agrees to assume the responsibility of maintaining and caring for the trees planted and agrees to enter into a maintenance agreement with the City. Tree maintenance includes, but is not limited to, maintaining adequate clearance defined in Section 6.

(i) The length of the maintenance agreement is for the life of the tree(s) planted within the terrace, including the eventual removal.

(j) "The obligation of the property owner to obtain a planting permit and assume the responsibility and maintenance of caring for the trees described above shall apply to any trees planted by the Tree Board, a utility, a service organization, or other entity involved in a tree planting project. Prior to the planting of any trees in a terrace by such an entity, such entity shall inform the adjacent property owner of the obligation to obtain a permit and assume responsibility for maintenance and care of the trees in the terrace." (Ord. #901 4/2/2000)

(8) REMOVAL, DESTRUCTION AND INJURY OF TREES IN PUBLIC AREAS. No person shall remove, destroy or injure a tree on a public area, other than in conformity with this section.

(9) TERRACE MAINTENANCE

(a) PURPOSE AND INTENT. It is the intent of this section to promote and protect public health and safety by the maintenance of terraces.

(b) DEFINITIONS.

(1) Person. Any individual or entity.

(2) Terrace. The area between the sidewalk and street, or where there is sidewalk, the area between the right-of-way line and street.

(c) MAINTENANCE OF TERRACE. In addition to other obligations placed upon a person who owns land abutting upon a road right-of-way, including the

removal of obstructions, the planting of trees and other such maters described in the Municipal Code, such owner of abutting property shall be responsible for the maintenance of the terrace, including existing trees. Unless approval is obtained from the Director of Public Works for an alternate type of surface, such maintenance shall be consistent with the balance of the property owner's lawn. Where, due to terrain or the size of the terrace a grass lawn is impractical or undesirable, in the discretion of the Director of Public Works, then said director may permit the abutting owner to utilize an alternate surface that is more compatible with the terrace conditions. Examples of such alternatives would be blacktop or concrete where the terrace is narrow or ground cover where the terrace is steep.

(d) FAILURE TO MAINTAIN. Any person who fails to maintain the terrace as provided above and such failure continues more than 10 days after a person is sent written notice by the City to affect maintenance of the terrace, then in that event the owner shall be liable for the expense incurred by the City in doing the maintenance. Such amount shall be placed upon the tax roll and become a lien on the abutting property as a special charge.

(10) VIOLATIONS AND PENALTIES. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 20.04 of this code. In addition, any person who violates subsection (8) shall also be liable for the replacement value of the subject tree, such replacement value to be determined by using the Eight Edition of the International Society of Arboriculture's Tree Appraisal formula.

5.081 SNOWMOBILES.

(1) STATE SNOWMOBILE LAWS ADOPTED. (#976 7/20/04)
Except as otherwise specifically provided in this section, the statutory provisions describing and defining regulations with respect to snowmobiles in Sections 350.02 to 350.05, 350.07 to 350.107, 350.11, 350.12, 350.13, 350.135, 350.15 to 350.17, 350.19, 350.99, and Sections 346.02(10) and 346.02(11) of the Wisconsin Statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.

(2) For purpose of definition, all references to "snowmobile" within this section, and any other section of the Municipal Code, shall include all terrain vehicles (ATV). (#588 2/15/83)

(3) SNOWMOBILE ROUTES AND TRAIL S DESIGNATED.

(a) Except as provided in sec. 350.02 and 350.045, Wis. Stats., or for snowmobile events authorized in accordance with sec. 350.04, Wis. Stats., no person shall operate a snowmobile upon any public right of way, in any public park, or on any other public municipal property in the City except upon the following designated snowmobile routes and trails.

1. Streets and Highways. (#732 12/4/90, #954 12/3/02) All those streets and shoulders of highway(s) as indicated on a map submitted by the snowmobile club and approved by the Council for that winter season.
2. Parks and Recreational Areas. (#590 3/1/83) Operation of snowmobiles is authorized in Hobart Park in designated areas or on marked trails, and in the Calumet County Fair Grounds (subject to approval of Fair Association).

(b) No person shall fail to obey any route or trail sign, marker or limit erected in accordance with this section.

(4) ADDITIONAL REGULATIONS.

a) Speed. No person shall operate a snowmobile upon any public right of way or highway within the City at a speed in excess of that permitted or posted for other motor vehicles or in any public park or area.

b) Hours of Operation. No person shall operate a snowmobile upon any public highway or other public property, in any public park or recreational area, lake or upon any private premises open to public for snowmobiling within the City limits between 2:30 a.m to 7:00 a.m.

c) Unattended Vehicles. No person shall leave or allow a snowmobile owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

d) Operation on Sidewalks or Malls Prohibited. No person shall operate a snowmobile on any sidewalk, pedestrian way or mall within the City.

e) Operation on Private Premise Restricted. No person shall operate a snowmobile on any private property not owned or controlled by him within the City without the permission of the owner.

f) Operation on Icebound Waters. No person shall operate or ride upon a snowmobile on the Manitowoc River at any time or place without permission from the Chief of Police. The Chief of Police is directed and authorized to procure, erect and maintain signs giving notice that such restrictions are in effect at all public access points to such river.

(5) PENALTY.
Any person who violates this section shall be subject to the penalties described in Sec. 350.11, Wis. Stats.

5.09 PENALTY. (Ord. #976 7/20/04)
Any person who shall violate any provisions of this chapter or any rule or regulations adopted hereunder shall, in addition to other prescribed penalties, be subject to a penalty as provided in Section 20.04 of this Code.