

## **Chapter 354**

### **STREETS AND SIDEWALKS**

**[HISTORY: Adopted by the Village Board of the Village of Forestville 1-8-1990 by Ord. No. 1-90 as Ch. 8 of the 1990 Code. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Subdivision of land — See Ch. 360.  
Vehicles and traffic — See Ch. 382.

#### **§ 354-1. Grades.**

- A. Establishment. The grades of all streets, alleys and sidewalks shall be established by resolution or special ordinance of the Village Board and recorded in the office of the Village Clerk. No work shall commence upon the construction of any street, alley or sidewalk until the grade thereof is established.
- B. Alteration of grade prohibited. No person shall alter by any means whatsoever the grade of any Village street, alley, sidewalk or public ground or any part thereof unless authorized or instructed to do so by the Village Board. All such authorizations for and actual alterations of grades shall be recorded in the office of the Village Clerk.

#### **§ 354-2. Sidewalk construction and repair.**

- A. Owner to construct. The abutting property owner shall construct, repair and maintain sidewalks along or upon any Village street, alley or highway, in accordance with resolutions or special ordinances of the Village Board and pay the entire cost thereof. Whenever the Village Board shall determine by resolution or special ordinance that a sidewalk along or upon any Village street, alley or highway be laid, rebuilt, repaired, lowered or raised, it shall proceed in accordance with § 66.0907, Wis. Stats.
- B. Permit required. No person shall lay, remove, replace or repair any public sidewalk in the Village unless he is under contract with the Village to do such work or has obtained a permit therefor from the Village Board. No fee shall be charged for such permits.

#### **§ 354-3. Curb ramping.**

Standards for curb ramping shall be in accordance with § 66.0909, Wis. Stats.

#### **§ 354-4. Street and sidewalk excavation; openings and obstructions.**

- A. Permit required.

- (1) No person shall make or cause to be made any excavation, opening or obstruction on or under any Village highway, street, alley, sidewalk or other public way or beyond that person's lot line without first obtaining a permit. Application for a permit shall be made to the Village Board. By acceptance of a permit, the applicant agrees that:
    - (a) He is primarily liable for damage to person or property arising from the activity conducted under the permit.
    - (b) He will remove any such construction, excavation or obstruction upon 10 days notice by either the state or the Village.
    - (c) He waives any right to contest in any manner the validity of this chapter or the permit fee charged.
    - (d) He will file a bond as the Village Board requires, not exceeding \$10,000, running to the Village and such third parties as may be injured to secure performance of the above condition.
  - (2) If there is no established lot line and a blueprint accompanies the application, the Village Board may establish such conditions as they deem advisable.
- B. Fee. There shall be a fee established by the Village Board for obtaining a permit, and the fee shall be paid into the general fund of the Village.<sup>1</sup>
- C. Damage to permittee. The holder of such special privilege shall not be entitled to damages for removal of the obstruction or excavation and if he shall not remove the same upon due notice, it shall be removed at his expense.
- D. Right of action. Third parties whose rights are interfered with by the granting of such privilege shall have a right of action against the holder of the special privilege only.
- E. Exclusion. This section shall not apply to public service corporations or to cooperative associations organized under Ch. 185, Wis. Stats., to render or furnish telephone, gas, light, heat or power, but such corporations shall secure a permit from the proper official for temporary obstructions or excavations in a highway and shall be liable for all injuries to person or property thereby.

#### **§ 354-5. Driveways.**

- A. Permit required. No person shall construct or repair any driveway across any Village sidewalk or curbing without first obtaining a driveway permit from the Village Board. The fee for a driveway permit is according to the Village Fee Schedule.<sup>2</sup>
- B. Specifications for driveway construction.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) 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. The minimum driveway width shall be 20 feet in width at the outer or street edge of the sidewalk, unless special permission is obtained from the Village Board.
- (2) Minimum culverts. All residential driveway entrances shall have a culvert pipe not less than 12 inches in diameter to provide for adequate drainage. The property owner shall provide the culvert pipe at his own expense. Culvert pipe may not exceed width of driveway. No vertical abutments will be allowed, sloping only.
- (3) Interference with street. No driveway apron shall extend out into the street farther than the face of the curb. All driveway entrances and approaches shall be constructed so 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.
- (4) Number of approaches limited. No more than one driveway entrance and approach shall be constructed for any lot or premises, except where the Village Board deems more than one necessary and feasible and determines that there will be no undue impairment of the safety, utility and convenience of the street.
- (5) 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.

#### **§ 354-6. Obstructions and encroachments.**

No person shall unnecessarily obstruct any Village street, alley or sidewalk so as to impair the flow of or present a hazard to public traffic.

#### **§ 354-7. Snow and ice removal.**

- A. Owner to remove. The abutting property owner shall remove or cause to be removed before 12:00 noon each day all ice and snow which may have accumulated on the sidewalk. When ice has formed so as to make removal impossible, the abutting property owner shall keep the ice sprinkled with sufficient ashes, sawdust or sand to prevent a dangerous condition. The abutting property owner shall remove any snow falling after 12:00 noon as soon as practicable on that day.
- B. Owner liability. If the abutting property owner fails to comply with the provisions in Subsection A of this section, he shall assume primary liability for damage or injury to property or persons resulting from such failure.

#### **§ 354-8. Violations and penalties.**

Except as otherwise provided, any person found to be in violation of any provision of this chapter or any rule, regulation or order promulgated hereunder, shall be subject to a penalty as provided in § 1-4 of this Municipal Code.