

CHAPTER 12
PUBLIC WORKS

Sec. 12.01 Establishment Of Grades..... 2
Sec. 12.02 Removal Of Rubbish And Dirt From Sidewalks..... 2
Sec. 12.03 Construction And Repair Of Sidewalks, Curbs, And Gutters 2
Sec. 12.04 Excavations Of Streets, Alleys, Public Ways, And Grounds 3
Sec. 12.05 Obstructions And Encroachments 5
Sec. 12.06 Street Privilege Permit..... 6
Sec. 12.07 Snow And Ice Removal..... 7
Sec. 12.08 Terrace Areas. 7
Sec. 12.09 Downspouts And Eaves Of Buildings 7
Sec. 12.10 Sale Or Display Of Merchandise Prohibited. 8
Sec. 12.11 Requests For Improvements 8
Sec. 12.12 Drainage 8
Sec. 12.13 Driveways..... 8

PUBLIC WORKS

Sec. 12.01 Establishment Of Grades

- 1) **GRADES TO BE ESTABLISHED.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk-Treasurer in his office. No street, all or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall be laid to the established grade of the street.
- 2) **NEW SIDEWALK GRADE.** Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk may be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne all in respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such constructions is commenced by the owners of the abutting lots or parcels of land, the Building Inspector shall upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established. The cost of furnishing such grade shall be borne by the Village.
- 3) **ALTERATION OF GRADE PROHIBITED.** No person shall alter the grade of any sheet, alley, sidewalk or public ground or any part thereof in the Village 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 Clerk-Treasurer or the office authorizing the alteration.

Sec. 12.02 Removal Of Rubbish And Dirt From Sidewalks

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board, the Board may cause the same to be done and report the cost thereof for the Village Clerk-Treasurer who shall spread the cost on the tax roll as a special tax against the premises, or such cost may be recovered in an action against the owner or occupant.

Sec. 12.03 Construction And Repair Of Sidewalks, Curbs, And Gutters

- 1) **OWNER TO CONSTRUCT.** It shall be the duty of abutting owner to build, repair, construct, and perpetually maintain sidewalks along or upon any street, alley or highway in the Village of Whiting and to pay the entire cost of construction 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, it shall proceed according to **Section 66.615** or the Wisconsin Statutes. Sidewalks shall be located in such places designated by the Village Board. No person shall remove any sidewalk without the permission of the Village Board.
- 2) **PERMIT REQUIRED.** No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village unless he is under contract with the Village to do such work or has obtained a permit therefore from the Building Inspector at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.
- 3) **SPECIFICATIONS.** All sidewalks within the Village hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:
 - (a) **Sub grade.** The sub grade shall be prepared by excavating to the line, grade and cross section as established by the Village Board and approved by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the sub grade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Chairman of the Public Works Committee a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the sub grade shall extend at least (1) foot beyond each edge of the sidewalk.
 - (b) **Materials.** All sidewalks shall be of air-entrained concrete composed of six bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
 - (c) **Forms.** Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two inches thickness except for sharply curved sections.

Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms of a moist sub grade, deposited just above the finished grade and consolidated and spade sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.

- (d) To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth inch radius-edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be one-foot strip of street property left between the property line and the edge of the sidewalk.
 - (e) Width and Thickness. Residential walks shall be five (5) feet in width and not less than four inches thick except within driveway approaches where the minimum thickness shall be six inches provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this Section. Sidewalks in front of commercial or industrial establishments shall be not less than five feet in width and five inches in thickness except within driveway approaches where the minimum thickness shall be seven inches.
 - (f) Finishing. Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse directions. Before the final finishing, the surface shall be check with a ten-foot straight edge and any areas departing more than one-eighth inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.
 - (g) Jointing. Transverse, full depth one-half inch thick expansion joints of premolded expansion material shall be located every forty feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles, and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least three-eighths inch in thickness and five-sixteenths inch in depth, shall be placed at intervals of approximately four feet. All joints shall be at right angles to the direction and grade of the Public Works Committee.
 - (h) Curing and Drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM specifications shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for forty-eight hours and in cold weather (below 50 degrees Fahrenheit for ninety-six hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees Fahrenheit in any seventy-two hour period or upon frozen sub grade.
- 4) **SIDEWALK REPAIR OR REPLACEMENT.** Pursuant to law, the Village board may order property owners to repair or remove and replace any sidewalk which is unsafe, defective, or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of twenty days after service of the notice proved in the Wisconsin statutes, the Village Board shall repair or construct such sidewalk and the Village Clerk-Treasurer shall enter the total cost thereof upon the tax roll as special tax against said lot or parcel of land.
 - 5) **UNSAFE SIDEWALKS.** The Village Board may at any time, by ordinance or resolution, order any sidewalk which is unsafe, defective, or insufficient, to be removed and replaced with a sidewalk in accordance with the standard specifications provided for this Section.
 - 6) **CONSTRUCTION AND REPAIR OF CONCRETE CURB AND GUTTER.** The provisions Wisconsin statutes shall be followed in the case of the construction and repair of concrete curb and gutter provided that the property deemed benefited by said construction and repair shall pay one hundred percent of the costs thereof.

Sec. 12.04 Excavations Of Streets, Alleys, Public Right-of-Ways, And Grounds

- 1) **PERMIT REQUIRED.** No person, partnership or corporation, or their agents or employees or contractors, including public utilities, shall make or cause to be made any opening or excavations in any public street,

public alley, public right-of-way, public ground, public sidewalk, or Village owned easement within the Village of Whiting without a permit therefore from the Building Inspector.

- 2) FEES. The fee for a street opening permit shall be twenty (\$20.00) dollars and shall be remitted to the Building Inspector. Village work shall be excluded from the fee and permit requirements of this section.
- 3) INSURANCE REQUIRED. A permit shall be issued only upon condition that the applicant submit to the Building Inspector 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 \$100,000 per one person, \$300,000 for one accident and property damage coverage of not less than \$50,000.
- 4) BOND.
 - (a) 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-Treasurer an indemnity bond, approved by the Village President, in the sum of five thousand (\$5,000.00) dollars, conditioned that he will indemnify and save harmless the Village of Whiting 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.
 - (b) 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.
 - (c) Whenever the Village Board shall find that any such work has become defective within two years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.
 - (d) 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.
- 5) REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.
 - (a) FROZEN GROUND. No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Public Works Director.
 - (b) REMOVAL OF PAVING. In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
 - (c) PROTECTION OF PUBLIC.
 - 1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on at all times. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Director of Public Works, no trench shall be excavated no more than two hundred fifty feet in advance of pipe or conduit laying nor left unfilled more than five hundred feet 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.
 - (d) REPLACING STREET SURFACE. In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, 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 Director of Public Works is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be puddle or laid in layers not more than six inches in depth and each layer rammed, tramped or flushed to prevent after-setting. 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 opening for any street or sidewalk repaired by the Village, 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.

- (e) **NOTICE.** It shall be the duty of the permittee to notify the Director of Public Works and all public and private individuals, firms and corporations affected by the work to be done at least twenty-four hours before such work is to commence. The Director of Public Works shall also be notified at least four hours prior to backfilling and or restoring the surface.
 - (f) **VALIDITY OF PERMIT.** Unless the work shall be commenced within thirty days of the issuance of the permit, the permit shall be void, and a new permit must be obtained, and an additional fee charged. The Public Works Director may extend the time limitation for good cause.
 - (g) **BACKFILLING.** It shall be the duty of the permittee to backfill the opening immediately upon the completion of the work and to place at least five inches of traffic bind or similar material in the opening, unless otherwise advised by the Director of Public Works. It shall be the duty of the permittee to maintain the opening in good condition for a period of six months after the completion of the work or until the surface has been restored. The Director of Public Works shall decide when, within said six-month period, the opening is ready for paving if a paving surface is required. If the surface is not restored within a period of ten days or such longer period as determined by the Director of Public Works, the Village may restore the surface and bill the permittee, therefore.
- 6) **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 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.
 - 7) **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 thirty days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Director of Public Works shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that such excavation work in such street must be completed within thirty days. After such permanent improvements 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 Village Board an emergency exists which makes it absolutely essential that the permit be issued.
 - 8) **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 Building Inspector, 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 method applicant proposes to use in doing the work. The Public Works Director shall determine if sufficient information is submitted.
 - 9) **EXCEPTION.** The provisions of this Section shall not apply to excavation work done under the direction of the Public Works Director by Village employees or contractors performing work under contract with the Village except that the safety precautions under this Chapter shall be complied with.

Sec. 12.05 Obstructions And Encroachments

- 1) **OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED.** No person shall encroach upon 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 this Section.

- 2) **EXCEPTIONS.** The prohibition of this Section shall not apply to the following:
 - (a) Signs or clocks attached to buildings which project no more than six feet from the face of such building, and which do not extend below any point ten feet above the sidewalk, street, or alley.
 - (b) Public utility encroachments duly authorized by State Law or by the Village Board.
 - (c) Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than two hours.
 - (d) Temporary encroachments or obstructions authorized by permit under this Section pursuant to law.
 - (e) Building materials for the period authorized by the Village Board 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 flow in the gutters.
 - (f) Excavations and openings permitted under this Section.

Sec. 12.06 Street Privilege Permit

- 1) **WHEN REQUIRED.** Permits for the use of the streets, alleys, sidewalks, or other public ways or places of the Village may be granted to applicants by the Building Inspector 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 as required by this Municipal Code.
- 2) **BOND.** No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk-Treasurer a bond in an amount determined by the Public Works Committee, not exceeding ten thousand dollars, conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- 3) **FEE.** The fee for a street privilege permit shall be in the sum of twenty-five (\$25.00) dollars for any building that is moved by use of heavy moving trucks or rollers, or five (\$5.00) dollars for any building that is moved by the use of common carrier trucks or skids.
- 4) **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 Building Inspector for violation thereof:
 - (a) Such temporary obstruction shall cover not more than one third of any street or alley.
 - (b) Obstructions shall be sufficiently lighted at night to be in full view of the public from all directions.
 - (c) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides may be maintained during the period of occupancy.
 - (d) The process of moving any building or structure shall be as continuous as practicable until completed, and if ordered by the Building Inspector, shall continue during all hours of the day and night.
 - (e) 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.
 - (f) Buildings shall be moved only in accordance with the route prescribed by the Building Inspector.
 - (g) 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.
- 5) **TERMINATION.** All street privilege permits shall automatically terminate at the end of three months from the date of issuance unless an earlier termination date is specified thereon at the direction of the Public Works Committee.
- 6) **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 or remove such obstruction within twenty four hours after such notice from the Building Inspector to do so, it shall be the duty of the Building Inspector or Public Works Director to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk-Treasurer 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.

Sec. 12.07 Snow And Ice Removal

- 1) **OWNER'S RESPONSIBILITY.** The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Whiting fronting of 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 the snowfall ceases, 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 referred to shall keep the same sprinkled with salt, sawdust or sand, except where no boulevard is located forty eight hours is allowed.
- 2) **VILLAGE'S OPTION TO CLEAR SIDEWALKS.** The Village shall clear or cause to be cleared all snow and ice from the subject's sidewalk, as provided in this Chapter, and shall charge the expenses of doing so to the owner, occupant or person in charge of the subject premises. The charges shall be set forth in a statement to the Clerk-Treasurer who in turn, shall mail the same to the owner, occupant, or person in charge of the subject premises. If said statement is not paid within thirty days thereafter the Clerk-Treasurer shall enter the charges plus a one percent per month administrative charge from the date of violation in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected under the provisions of the Wisconsin statutes.
- 3) **DEPOSIT OF SNOW ON STREETS OR SIDEWALKS.** No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.
- 4) **PENALTY.** As an alternative to the remedy provided in subsection (b) above, or in addition thereto the Village may impose a penalty for violation of any provision of this Section, providing that the person who violates any of the provisions of this Section shall forfeit and pay to the Village a forfeiture of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, together with the costs of prosecution for each offense. A separate offense shall be deemed committed during each day or part thereof during which a violation occurs or continues.

Sec. 12.08 Terrace Areas.

- 1) **DEFINITION.** The definition of "terrace" shall be as defined in this Section
- 2) **NOXIOUS WEEDS; PAVING.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- 3) **RESPONSIBILITY TO MAINTAIN.** Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.
- 4) **STREET RIGHTS OF WAY.** Any tree, shrub, hedge, fence or other obstruction planted or constructed within the right-of-way of any Village Street shall be done at the property owner's risk and shall be in accordance with the provisions of this Municipal Code. In the event any street is widened, or sidewalk constructed, any such planting or obstruction shall be removed at the property owner's expense.

Sec. 12.09 Downspouts And Eaves Of Buildings

- 1) No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back or over, any public sidewalk in the Village. When the eaves of any building extend over or are so constructed that water may fall there from or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain there from or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty as provided in this Municipal Code.

Sec. 12.10 Sale Or Display Of Merchandise Prohibited.

No person shall display, sell, or offer to sell, on any street, sidewalk, alley, or other public place within the Village, anything of value or service of any kind, except in connection with a Village-wide enterprise or promotion of community trade.

Sec. 12.11 Requests For Improvements

Requests or petitions by Village property owners for new streets, curb and gutter, and sidewalks shall be presented to the Village Board on or before October 1 to be considered for installation in the following year.

Sec. 12.12 Drainage

The Village of Whiting Public Works Committee is responsible for the maintenance of street drainage and reserves the right to ditch or swale the right-of-way of any village street at any time. Requirements for the ditches or swales will be of 12" – 18" of depth with a maximum of 5 to 1 slope allowed within the right-of-way unless otherwise approved by the public works committee. Materials allowed within the right-of-way shall be a pervious type material that allows for drainage, with a 3" maximum thickness in the bottom of the swale. If the swale in the right-of-way is altered by work of any kind, the topsoil must be removed, alterations made, and topsoil replaced to a maximum depth of 3 inches. To fill in or alter the ditch or swale in any way is in direct violation of this ordinance. Any person who violates this ordinance may be held responsible for the cost of restoration and subject to penalty under the land use regulation.

Sec. 12.13 Driveways

- 1) PERMIT REQUIRED. Unless otherwise especially permitted by the Village, upon written application giving the reason therefore, no person shall construct, or reconstruct any driveway across or through any sidewalk road right-of-way or curbing without having first obtained a permit from the Village for which a fee in the sum of twenty (\$20.00) dollars shall be charged. Such permit shall be issued upon an application provided by the Village and shall contain such information as the Village Board shall deem necessary. The Building Inspector shall refer the application to the Chairman of the Public Works Committee, if necessary, as required in this section.
 - (a) Openings for vehicular ingress and egress shall be at least ten feet wide at the property line for residentially zoned land and a minimum of thirty feet for commercial and industrially zoned properties. The maximum width of driveways at the curb opening shall be twenty-four feet for residential driveways and thirty-five feet for commercial and industrial development.
 - (b) No driveway shall be closer than ten feet to extended street line at an intersection. 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. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes, vehicular sales, service, washing and repair stations garages, or public parking lots shall be not less than two hundred feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
 - (c) No driveway apron shall extend out into the street further than the facing of the curb. And under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be so constructed as not to interfere with the drainage of streets, side ditches, or roadside areas, or with any existing structure on the right-of-way. When required by the Public Works Director to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.
 - (d) No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary for and feasible without the impairment of safety, convenience and utility of the street by the Chairman of the Public Works Committee. Driveway approaches shall be at least ten feet apart except by special permission from the Chairman of the Public Works Committee, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the driveway installed.

- 2) **WORKMANSHIP AND MATERIALS.** All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Sec. 12.03 of this code insofar as such requirements are applicable, including thickness requirements specified in the Chapter.
- 3) **PERMIT APPLICATIONS.** Permit applications shall be made at least twenty-four hours in advance of intended installation, but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Building Inspector shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Village Board.
- 4) **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 construction shall be 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.