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CHAPTER 28 STREETS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Sec. 28-1. Definitions.

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

Street means the property over which the village has the right-of-way, whether it be the traveled portion of the street or the shoulder, ditches, or other right-of-way portions adjacent thereto.

(Prior Code, § 7.01(1))

Sec. 28-2. Street commissioner appointed; authority duties.

The village board shall appoint a street commissioner who shall have authority of all public streets, driveways and other public ways. The street commissioner shall ensure that public ways within the village are maintained in proper condition and repair.

(Prior Code, § 7.01(2)(intro.), (a), (b))

Sec. 28-3. Defects and repairs; duty of owner to repair; notice to owner; assessment for repair costs.

The street commissioner shall inspect public ways in the village and report any defective or dangerous street, culvert or similar appurtenance and notify the village administrator and, where appropriate, the property owner whose duty it is to maintain the appurtenance. Should such person fail to make the necessary repair within a reasonable time after such notice, the village may make such repair, and the expense of such work shall be assessed against the land upon or fronting upon that part of the street upon which repairs have been made. The assessment shall be collected with the taxes of the current year.

(Prior Code, § 7.01(2)(c), (d))

Sec. 28-4. Injury to new pavements.

It is unlawful to walk upon or drive any vehicle or animal upon, or injure any newly laid street or driveway, pavement while the same is guarded by a warning sign or barricade, or to knowingly injure any soft or newly laid pavement.

(Prior Code, § 7.05(1))

Sec. 28-5. Obstruction of drains prohibited.

It is unlawful to obstruct any drain in any public street.

(Prior Code, § 7.05(3))

Sec. 28-6. Vehicles and equipment prohibited from crossing graded drainage ditch without permit.

No person, contractor or company shall drive any truck, construction equipment or delivery vehicle through, along or across any graded drainage ditch except with a valid right-of-way permit. Preference shall always be given to driving over and upon a driveway containing an adequate culvert, which driveway shall be level with the road which it enters at the point of juncture with such road. Any person violating this section may be fined for each offense. Any land owner who knowingly permits an act in violation of this section may be subject to the same fine.

(Prior Code, § 7.05(4))

Sec. 28-7. Poles and wires on or over public ways require board permission; exception.

It is unlawful to erect or maintain any poles or wires on or over any public street or other public way, without having first secured permission from the board of trustees, except that emergency repairs and service from old lines to a new residence shall be exempt from the notice provisions.

(Prior Code, § 7.05(5))

Sec. 28-8. Tractors with lugs prohibited on public ways.

No tractor having lugs shall be operated upon the streets or roads or of the village at any time.

(Prior Code, § 7.05(7))

Sec. 28-9. Restoration of public structures damaged during construction.

Whenever any pavement, curb, parkway, driveway, or other public structure is damaged by the erection or alteration of any building abutting thereon by reason of the construction thereof, the same shall be restored by or at the expense of the owner of the building involved or his contractor to a condition as good and serviceable as prior to the beginning of the work; provided, however, that nothing herein contained shall preclude the village from maintaining an action against the person to recover the damage done to any pavement, curb, parkway, or other public structures.

(Prior Code, § 7.05(2))

Sec. 28-10. Permit required to plant or remove trees in the public right-of-way; property owner's duty to maintain trees.

- (a) No person shall set out or plant any tree in any of the public streets, highways, or other public grounds of the village without the written permit of the village board. A permit may be granted upon written application by the owner of premises abutting the street, highway or other public grounds upon which the trees are to be planted. Such application shall contain the agreement upon the part of the owner to plant trees and to abide by the lawful rules, regulations and order of the village respecting the planting, preserving and caring for shade trees of the village. The village board may summarily cause to be removed any trees planted in violation of this section.
- (b) No person shall cut down or in any manner destroy or injure any living shade tree upon any public street, highway or other public ground in the village, without a permit from the street commissioner.

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- (c) Every owner of real estate is required to trim off and remove all dead branches of trees upon any street or highway abutting his land and to remove from any street or highway abutting his land any dead tree within one year after its death.

(Prior Code, § 7.06)

Sec. 28-11. Display of street numbers.

- (a) All premises shall bear a distinctive street number in accordance with and as designated upon the street numbering maps on file in the office of the village building department. An owner or occupant of any premises shall place either upon the street front of such premises or in a place near the entrance to the driveway on the mailbox, a tree or a separate post at least 46 inches off the ground or both, such designated number in such position to be plainly visible.
- (b) If the premises does not abut a street or the mailbox is located on a street other than the premises as numbered, the mailbox, tree or separate post set forth above shall show both the number assigned and the street name of the premises in such position to be plainly visible.
- (c) Numerals shall be in Arabic and shall be displayed in such a manner to be plainly visible from road traffic lanes in either direction of approach. The numbers shall be of a contrasting color to their background and shall be not less than three inches in height.
- (d) Failure to display numbers as set forth above within 30 days after occupancy of new construction is a violation of this chapter.

(Prior Code, § 13.03)

Secs. 28-12—28-42. Reserved.

ARTICLE II. - CONSTRUCTION AND MAINTENANCE PERMITS

Sec. 28-43. Permit fees.

All permit and inspections fees associated with this article shall be as provided in the village fee schedule.

Sec. 28-44. Right-of-way construction or excavation permit; surface opening standards and specifications.

- (a) *Without opening street surface.* The village issues a right-of-way permit for use of the village right-of-way without opening the street surface. The permittee shall restore the affected area as directed by the street commissioner.
- (b) *Concrete or asphalt surface opening; refill standards.* The village issues a right-of-way permit which authorizes the opening and restoration of any concrete or asphalt surface on any public street or other public place in the village. The fee and a minimum street deposit shall be as provided in the village fee schedule; however, a greater amount may be determined by the village engineer to be required to ensure repair to the street. The following standards and specifications shall apply, in addition to all other applicable village regulations, to all concrete or asphalt surface openings:
 - (1) Openings in concrete surface and asphalt paved surface streets when permitted shall be saw cut in accordance with section 690 of the standard specifications.

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- (2) Trenches shall be backfilled with approved pit-run sand or gravel, tamped in place.
 - (3) A temporary patch shall be installed at time of construction and shall include removing all materials to a minimum depth of 14 inches for a minimum distance of two feet beyond the disturbed area of the trench. The trench shall be backfilled with three inches of crushed stone.
 - (4) A permanent patch shall be installed not sooner than 30 days after installation of temporary patch and not longer than 200 days after installation of temporary patch to a minimum depth of four inches and replacing same with four inches of asphalt to patch existing surface.
 - (5) All surfaces to be matched shall be saw cut and edges trimmed prior to installation of four inches asphalt surface.
- (c) *Village engineer or street commissioner must approve permanent patches.* The village engineer or the street commissioner must approve the installation of the permanent patch.

(Prior Code, § 7.03(2))

Sec. 28-45. Culvert installation or repair permit.

- (a) *New culvert without opening street surface.* The village issues a culvert permit for installation of new culverts on the same lot where the riding surface of the street will not be cut into or tunneled under, any person installing such culverts shall fill, grade, and restore the affected area in such manner that may be required by the street commissioner.
- (b) *Replacement culvert without opening street surface.* The village also issues a culvert permit for replacement of an existing culvert where the riding surface of the street will not be cut into or tunneled under. Any person applying to replace an existing culvert shall install the culvert and restore the affected area as directed by the street commissioner.

(Prior Code, § 7.03(1))

Sec. 28-46. Street construction permit.

- (a) *Performance bond required.* Each applicant to construct a new street in the village shall file a performance bond in an amount to be fixed by the village board, and with surety to be approved by the village board, conditioned to indemnify the village for any loss or damage resulting from the work undertaken.
- (b) *Street construction standards.* Streets shall be constructed in compliance with the minimum street construction standards of this chapter and all other applicable street construction standards established by the village board.

(Prior Code, § 7.04)

Secs. 28-47—28-65. Reserved.

ARTICLE III. - STREET CONSTRUCTION

DIVISION 1. - GENERALLY

Sec. 28-66. Construction plan to be submitted for approval; plan content.

Any person proposing to construct a street within the village shall present plans and specifications to the board of trustees for their approval prior to the time construction is to commence. Approval of plans and specifications shall not bind the board of trustees to acceptance of the completed construction nor relieve the person constructing the road of compliance with any of the provisions of these standards, the provisions of other ordinances or the duty of providing, in accordance with the dictates of good engineering practices, for conditions not represented on the plans. Plans shall include at a minimum:

- (1) A plan view of the proposed road drawn to scale and showing thereon:
 - a. The horizontal alignment of the road centerline showing station marks at each 100 foot station.
 - b. Centerline curve data including radius of curvature, central angles of curves, tangent distances, stationing of points of intersection of tangents, points of curvature, points of reversed or compound curvature and points of tangency.
 - c. Stationing of centerline intersections and beginning and end of construction.
 - d. The horizontal alignment of the edges of the riding surface including radii at intersections and the junction with existing construction.
 - e. Location, size, material and direction of flow of culverts, sub-drains and intercepting ditches.
 - f. Direction of flow of ditches, points where direction of flow changes, points of disposal of drainage and sufficient information on existing drainage facilities used for disposal to accurately depict the adequacy of the drainage system.
 - g. Location and dimensions of street right-of-way and other easements provided for drainage or construction.
 - h. Such other dimensions, notes or pictorial data as may be necessary to present a clear representation of the proposed construction.
 - i. Location and elevation of bench marks used as control.
 - j. The name, address and seal of the engineer responsible for the design and the supervision of construction.
- (2) A profile of the road centerline drawn on the same sheet or sheets, at the same horizontal scale and arranged so that any station on the profile is represented, as nearly as practicable, directly above or below the same station on the plan view. The vertical scale shall be ten times that of the horizontal scale. Information shown on the profile shall include:
 - a. The profile of the existing ground and of the proposed construction at the centerline of construction referred to official datum.
 - b. Percent grade of grade line tangents.
 - c. Culverts and other drainage structures.
- (3) A typical section of finished construction drawn at a scale of one inch equal to five feet and depicting:
 - a. Width, thickness and construction of pavement.
 - b. Width and crown of sub-grade.

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- c. Minimum distance from centerline of road to invert of ditches.
 - d. Normal and maximum slope from shoulder of road to toe of fill slope and from invert of ditch to intersection with existing ground surface.
- (4) Details of sodding, rip-rap, slope protection, ditch checks, guard rail, structures or other features of construction not adequately shown elsewhere on the plans.
- (5) Cross sections drawn at scale of one inch equal to five feet both horizontally and vertically showing for every 100-foot station, and wherever else indicated by variations in grade or alignment:
- a. The line of the existing ground at the section for a distance of at least 50 feet on each side of the centerline and at least to the edges of construction.
 - b. The finish line of slopes, ditches and sub-grade.

(Prior Code, § 7.07(2))

Sec. 28-67. Acceptance.

When a road is constructed by a private person and is offered to the village for acceptance the road is conditionally accepted when the village board receives and accepts a certification that the road has been completed in accordance with village standards. Such acceptance shall not become final until one year after such conditional acceptance. During such period, the village shall perform normal maintenance on the road. But the person who constructed the road shall remain solely responsible for any repairs or reconstruction necessary because of the manner or quality of construction and shall maintain a bond to ensure performance of his obligation.

(Prior Code, § 7.07(12))

Secs. 28-68—28-92. Reserved.

DIVISION 2. - MINIMUM CONSTRUCTION STANDARDS

Sec. 28-93. Definitions.

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

Sight distance is defined as the length of the unobstructed line of sight between a point 44 inches above a road centerline and a point four inches above the road centerline.

Standard specifications means the most recent edition of the Wisconsin Standard Specifications for Highway and Structure Construction published by the state department of transportation.

Sec. 28-94. Applicability; standards to be part of contract for construction of subdivision roads.

Street construction shall conform to the minimum specifications of this division, which shall be a part of every contract for construction of subdivision roads to be accepted by the village.

(Prior Code, § 7.07(1)(b)(v)c)

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Sec. 28-95. Scope of construction work.

Work done shall include clearing and grubbing, excavation, stripping and stockpiling salvage topsoil, excavation, placing, compacting and finishing embankments, placing compacting and finishing base course and seeding areas of salvage topsoil.

(Prior Code, § 7.07(1))

Sec. 28-96. Grades, slope, shoulder and surfacing specifications.

- (a) *Road centerline.* The maximum grade of road centerline shall not exceed seven percent. The minimum grade of road centerline shall not be less than 0.5 percent except at the crests and troughs of vertical curves and within the limits of street intersections. Centerline grade line tangents shall be connected by vertical curves. Vertical curves at crests shall provide a sight distance of not less than 350 feet. The horizontal length of the sag vertical curves in feet shall not be less than 100 times the algebraic difference between the intersecting grades.
- (b) *Ditch inverts and road surface.* The minimum grade of ditch inverts and road surface in the direction of flow shall be 0.8 percent.
- (c) *Roadway section.* The following standards apply to the road section:
 - (1) The riding surface of the road shall be 24 feet in width.
 - (2) The top of the sub-grade shall be 28 feet eight inches in width.
 - (3) The riding surface and sub-grade shall slope down from the road centerline at the rate of 0.020 feet.
 - (4) The minimum distance from centerline of road to ditch inverts shall be 23 feet.
 - (5) Slopes from shoulder of road to invert of ditch or toe of fill shall not be steeper than one foot of vertical projection for each four feet of horizontal projection except where vertical height of the slope exceeds 7.5 feet.
 - (6) No slope shall be steeper than one foot of vertical projection for each three feet of horizontal projection unless special provision is made for slope protection and for guard rail.
 - (7) Backslopes from the ditch invert to the limits of construction shall not be steeper than one foot of vertical projection for each three feet of horizontal projection unless special provision is made for slope projection.
 - (8) Slope and ditches shall be finished with not less than four inches in depth of seeded topsoil or sod.
 - (9) Road replacement in the village or new road construction will in all instances have a gravel shoulder/base with a minimum width of 18 inches.

(Prior Code, § 7.07(1)(a), (b))

Sec. 28-97. Drainage, ditches, culverts.

- (a) Adequate drainage shall be provided along, across and away from the proposed construction to prevent the creation of trapped water pockets or the overloading of existing drainage facilities.
- (b) Ditches shall provide for the continuous flow of water to an approved point of disposal. Ditch inverts shall meet best management practices and shall be sodded or paved to prevent erosion.
- (c) Culverts shall be provided wherever it is necessary for water to flow under the road. The minimum size of waterway area may be determined by using the rational method but shall not be less than indicated

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by sizes of existing culverts on the same stream viewed in the light of flood experience and intervening tributaries. No culvert under the road shall provide a waterway area of less than 1.7 square feet nor be less than 40 feet in length. Slopes at culvert ends shall be protected by rip rap when necessary.

- (d) Subdrainage with suitable filters shall be provided wherever seepage planes are intercepted, where groundwater levels may detract from the stability of the roadway or where surface drainage is impracticable.

(Prior Code, § 7.07(1)(c))

Sec. 28-98. Clearing and grubbing; removal of fencing.

- (a) The area within the limits of construction shall be cleared of fences, logs, stumps, brush and other perishable or objectionable matter. Trees and stumps to be removed shall be shown on the approved plans; no other trees shall be cut or damaged without a written order from the engineer.
- (b) All brush and other vegetation occurring within the limits of construction shall be removed to a depth of not less than 12 inches below the existing ground except that sound stumps may be allowed to remain in areas to receive embankments three feet or more in height or in areas outside the limits of an assumed one-to-one slope from the finished shoulder line. Such stumps to remain shall be cut off as nearly flush with the existing ground as practicable.
- (c) Fences within the limits of construction shall be removed and disposed of by the contractor.

(Prior Code, § 7.07(2))

Sec. 28-99. Salvaging topsoil.

All topsoil shall be removed to a depth of not less than 12 inches below the finished roadway sub-grade in the area between the outside shoulder lines.

(Prior Code, § 7.07(3))

Sec. 28-100. Excavation standards.

Excavations shall conform to the dimensions and grades shown on the plans. Excavation shall not be made below grade except where removal of unsuitable material is directed by the engineer. Material removed below grade shall be replaced with approved material thoroughly compacted or as otherwise directed by the engineer.

(Prior Code, § 7.07(4))

Sec. 28-101. Embankment standards.

- (a) Embankments shall conform to the dimensions and grades shown on the plans.
- (b) Material for embankment shall be approved material from excavation placed in uniform horizontal layers of not more than eight inches and each layer compacted to a uniform stable density before additional layers are placed. Material for embankment shall be free from frost or perishable materials. Material shall not be placed on frozen ground.
- (c) When existing roadways are to be covered with less than 18 inches of fill, the surface shall be scarified and re-compacted as required for fills.

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- (d) Each layer shall be compacted with a light tamping rolling or other approved equipment and the operation of equipment shall be distributed so as to avoid rutting or non-uniform compaction.
- (e) Final shaping and compaction of the entire sub-grade shall be performed with blade graders and a smooth wheeled roller weighing not less than eight tons, a pneumatic roller or other approved equipment.

(Prior Code, § 7.07(5))

Sec. 28-102. Dense aggregate base.

- (a) The dense aggregate base shall consist of ten inches compacted depth of crushed limestone in accordance with section 305 of the standard specifications. The material shall be deposited on the sub-grade in two or more layers. The lowest layer shall be five inches of 1¼-inch stone. The top layer shall be five inches of ¾ inch stone (traffic bond).
- (b) Each layer shall be deposited uniformly across the width of the roadway and compacted in accordance with the requirements of standard compaction in the standard specifications. In the event the material is deficient in moisture content to readily accomplish these results, it shall be moistened to the degree necessary during the compaction operation by means of equipment adapted to the purpose.
- (c) All areas where proper compaction is not attainable, due to segregation of materials, excess fines or deficiencies in the aggregate, shall be reworked as necessary or the material in them removed and replaced with material that will yield the required results.
- (d) Prior to and during the compaction operations, the material shall be shaped and maintained to proper dimensions and contour by means of blade graders or other suitable equipment.
- (e) Prior to placing asphaltic concrete pavement, the base strength shall be tested by proof rolling. Proof rolling shall involve running loaded trucks over the entire roadway width. Weak or soft spots in the base shall be removed, replaced with clean dense graded base, compacted and retested. Proof rolling must be witnessed and inspected by the village.

(Prior Code, § 7.07(6))

Sec. 28-103. Paving.

Asphaltic concrete pavement shall be installed to conform to section 460 of the standard specifications. The pavement shall consist of a 2½ inch lower course and a 1½ inch upper course, all in accordance with the standard specifications. The asphaltic concrete pavement shall be installed not sooner than one year from the satisfactory installation of a gravel surface road, but shall be installed prior to the end of the second year following such installation.

(Prior Code, § 7.07(7))

Sec. 28-104. Seeding.

Areas to be covered with salvage topsoil shall be seeded with not less than four pounds per 1,000 square feet of good grade grass seed approved by the engineer. Areas to be seeded shall be fertilized with not less than seven pounds per 1,000 square feet of fertilizer approved by the engineer. All areas to be seeded shall be mulched per the standard specifications or as directed by the engineer.

(Prior Code, § 7.07(8))

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Sec. 28-105. Sodding.

All ditches whose grade is three percent and over shall be sodded. Sodding shall conform to dimensions as shown on the plans and as directed by the engineer. Areas to be sodded shall be free from stones, roots, or other undesirable materials. The length of the sod shall be laid at right angles to the flow of water. Sod shall be staked or pegged on all slopes steeper than one foot vertical to four feet horizontal. Sod shall be pegged or staked in any ditch whose grade is eight percent or over. All sodded areas shall be kept thoroughly moist by watering or sprinkling, when rainfall is deficient, for a period of ten days.

(Prior Code, § 7.07(9))

Sec. 28-106. Waste or borrow.

Waste or borrow areas shall be covered with topsoil upon completion of construction seeded in accordance with section 28-104.

(Prior Code, § 7.07(10))

Sec. 28-107. Culverts and private entrances.

Culvert pipe shall conform to the requirements of the appropriate sections of the standard specifications. Where pipe is to be placed in fill the fill shall first be constructed to six inches above the elevation of the top of the pipe and then excavated for the pipe. All trenches shall be backfilled with granular material. The contractor shall restore all private entrances to the condition existing before construction was begun. Culvert pipe salvaged in good condition may be reused; culvert pipes unsuitable for re-use in the opinion of the engineer shall be replaced by the contractor with pipe equal in size to the original but in no case less than 12 inches in diameter.

(Prior Code, § 7.07(11))