

CHAPTER 14**PUBLIC WORKS/INFRASTRUCTURE****14.01 PUBLIC WORKS/INFRASTRUCTURE ORDINANCE****(1) ROADS**

(A) All public roads shall conform to those specifications set forth in the publication, **Standard Specifications for Road and Bridge Construction as published by the Department of Transportation of Wisconsin** as from time-to-time revised.

(B) **New Subdivisions.** In new subdivisions, the City of Cornell will accept dedications of land for new City Roads and approve plats under Chapter 236, (1993-1994) Wisconsin Statutes, only if the roads are surveyed and constructed by the developer pursuant to Sections 236.13(2)(a) and (b), Wisconsin Statutes. Such roads must be constructed to City standards as set forth in this ordinance. Subdivisions shall be defined by Section 236.02(8), Wisconsin Statutes. The Common Council may waive any requirements in specific instances to promote development and additions to the tax base of the City of Cornell.

(C) No person shall cause, allow or permit any person to alter the grade of any public highway, road, street or alley in the City of Cornell without written approval by the Common Council.

(2) STREET AND SIDEWALK GRADES

(A) **Establishment.** The grade of all streets, alleys, and sidewalks shall be established by resolution by the Common Council and the same recorded by the City Administrator in his/her office. No street, alley or sidewalk shall be worked until the grade thereof is established. The grade of all streets between First and Eighth Streets are established at the level then existing on the effective date of this code.

(B) **Datum Plane.** All elevations and grades in the City of Cornell shall be computed from an imaginary line or plane underlying such City fixed at a point One Hundred and Thirty-nine feet (139') below the crest of the spillway on the concrete dam of the Cornell Paperboard Products Company (now Northern States Power Co.) located across the Chippewa River in said City. Said line or plane is hereby adopted and designated and shall be know as (datum). All other elevations, alleys and grades with respect to street surfaces and intersections, other portions of street, sidewalks

and curbs are hereby established in accordance with the datum and drawing of the same on file with the City Administrator and as prepared by L.G. Arnold, Civil Engineer, in January 1918.

(C) Alteration of Grade Prohibited. No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Cornell by any means whatever unless authorized or instructed to do so by the Common Council. All such alterations of grade shall be recorded in the Office of the City Administrator by the Clerk or Officer authorizing the alteration.

(3) SIDEWALK CONSTRUCTION AND REPAIR

(A) Pursuant to Sec. 66.615 (6) Wis. Stats., the Common Council hereby determines that the City will construct and repair curb and gutter and sidewalk when deemed necessary, by the City Works Committee with the approval of the Common Council.

(1) When new curb and gutter and sidewalk is installed, the abutting property owner shall pay Fifty percent (50%) of the cost of construction.

(2) When curb and gutter is reconstructed or repaired, the City shall pay One Hundred percent (100%) of the cost of reconstruction.

(3) When sidewalk is reconstructed or repaired, the property owner shall pay Twenty-five percent (25%) of the cost of such reconstruction.

(4) If any property owner elects to install his/her own sidewalk, it shall be installed according to the specifications provided by the City as provided in Sec. 66.615, Wis. Stat. Permission must first be obtained from the City Works Committee.

(B) Property owners may petition the Common Council for the repair or installation of curb and gutter or sidewalk on their property. This petition must be filed with the Council during the months of July to September for consideration in the following construction year. The Council may waive this time requirement at its discretion.

(C) The determination of the location and amount of curb and gutter or sidewalk construction or reconstruction to be done each year, shall be the responsibility of the City Works Committee.

(D) **Specifications.** All public sidewalks in the City of Cornell shall conform to those specifications set forth in the publication, Standards Specifications for Road and Bridge Construction as published by the Department of Transportation of Wisconsin as from time-to-time revised. All sidewalks shall be of Grade AA air entrained concrete.

(E) **Width and Thickness.** Sidewalks in front of residential, commercial, or industrial establishments shall be constructed according to the dimensions as the Common Council by resolution require.

(F) **Penalty.** The penalty for violation of any provision of this section shall be a penalty as prescribed by Section 1.05 of this code.

(4) **DRIVEWAYS**

(A) **Approval Required.** No person shall construct or maintain any driveway without first obtaining a driveway permit from the Common Council.

(B) **Specifications For Driveway Construction:**

(1) **Width.** No driveway shall exceed twenty-six (26) feet in width at the outer or street edge of the sidewalk unless special permission is obtained from the Common Council.

(2) **Interference With Intersections Prohibited.** At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Common Council for effective traffic control or for highway signs or signals.

(3) **Interference With Street.** No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter area. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way. When required by the Common Council to provide for adequate surface water drainage along the street, the property owner shall provide any necessary culvert pipe at his own expense.

(4) **Workmanship and Materials.** All driveway entrances and approaches which are constructed across sidewalks shall comply with the requirements for sidewalk construction in Section 14.01(3) of this code insofar as

such requirements are applicable, including thickness requirements in Section 14.01(3)(D) of this code.

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

(5) STREET AND SIDEWALK EXCAVATIONS, RIGHT-OF-WAY OPENINGS AND SEWER AND WATER SERVICE RECONSTRUCTION.

(A) Permit Required. No person, firm, or corporation shall make or cause to be made any excavation or opening in or under any street, alley, highway, sidewalk or other public way within the City of Cornell without first obtaining a permit therefore from the City Administrator after approval by the Superintendents of City Works and Public Utilities. There is hereby established a schedule of permit fees for street opening, right-of-way opening and sewer and water service reconstruction in the City of Cornell. All permits will be granted subject to the rules for street opening permits of this ordinance. The permittee agrees to the conditions of the permit including reimbursement clauses.

(B) Rules for Street Opening Permits.

(1) Obtain a permit or approval for excavation.

(2) Bituminous pavement is to be scored or sawed before removal. Concrete pavement is to be sawed or broken up with an air hammer before excavation can proceed.

(3) All excavated material shall be hauled away unless the Superintendent of City Works or his/her representative determines that it may be used for backfill.

(4) Backfill material shall be compacted and match existing levels of materials, i.e. clay, granular, etc., to prevent settling.

(5) Replacement pavement for bituminous surfaces shall be compacted and match existing layer thicknesses of crushed gravel base course and bituminous surface pavement.

(6) Replacement pavement for concrete surfaces shall match existing thickness and be installed in accordance with Sec. 415 of Standard Specifications for Road and Bridge Construction.

(7) Contractor shall be responsible for providing all barricades, signs, flasher or flagmen necessary to protect the public during construction. When streets are to be closed to traffic, proper signs shall be posted and the proper City Authorities shall be notified. (Police, City Works and Utilities Departments)

(8) Tunneling may be permitted as approved by the Superintendent of City Works.

(9) A temporary asphalt pavement shall be placed over the bedding material until proper restoration can be completed.

(C) Rules for Right-of-Way Opening Permits.

(1) Obtain a permit or approval for excavating.

(2) Excavation may be backfilled with existing materials.

(3) The top 4 inches of the backfill shall be good quality topsoil.

(4) Curb and gutter, sidewalk and lawn or ditch areas shall be restored to their original condition.

(D) Rules for Sewer and/or Water Service Reconstruction Permits.

The City requires a permit for sewer and/or water service reconstruction in order that a representative of the Utility Department may be present during the excavation to protect the interest of the City. If the excavation causes damage to the City water or sewer facilities, the City shall repair the same and bill the property owner. If a bill submitted for such work remains unpaid it shall be assessed against the tax roll.

(E) Application For Permit.

The application for the permit provided for in the preceding subsection shall state the purpose for which the permit is desired and the location of the proposed excavation, which shall contain an agreement that the applicant will pay all damages to persons or property, public or private, caused by the applicant, his agents, employees, or servants in the doing or erection of the work for which the permit is granted. Any applicant may be required as a condition to the granting of a permit, in the discretion of the Common Council, to file an undertaking in such amount as the Common Council shall determine to leave the street, sidewalk, or alley in as good condition as the same was in when the work was commenced, to at all times keep the place where the excavation is made

properly guarded by day and night and lighted by night, and to save the City harmless from any and all damages, costs, and charges that may accrue from the applicant's use of such street, sidewalk, or alley by reason of such excavation.

(C) **No Further Privileges Granted.** No permit for an excavation granted under the provisions of this section shall be deemed to convey or grant any privilege to occupy the space within or below any street or sidewalk, or any utility, vault, pipe, drain, or any other thing whatsoever.

(D) **Conditions.** When excavations are made under the provisions of this section, the excavations shall not be left open longer than the necessities of the work demand. In refilling the excavation all earth, fill and stone shall be thoroughly and properly tamped and the surface of the street, sidewalk or alley left in as good condition as the same was in before the excavation was made. Provided, however, that whenever it is necessary to break into a sidewalk for the purpose of making any excavation authorized under this section, the entire square so broken into shall be removed and replaced, it being the intent of this subsection to prohibit the patching of a square in a sidewalk.

(E) **Notice to City Works Department.** Before any excavation, opening or blockage in any street or sidewalk is made by any person, firm or corporation under the provisions of this section forty-eight (48) hours advance notice shall be given by the person intending to make such excavation, opening or blockade to the City Works Department.

(F) **City Work Excluded.** The provisions of this section shall not apply to excavation work under the direction of the Common Council by City employees or contractors performing work under contract with the City necessitating openings or excavations in City streets.

(G) **Penalty.** Any person who shall open the street, right-of-way opening or commence sewer and water service reconstruction in the City of Cornell without obtaining a permit as required by this ordinance shall be subject to a forfeiture of not less than Ten dollars (\$10.00) nor more than Two Hundred dollars (\$200.00), and in default of payment of the forfeiture and the costs of prosecution shall be imprisoned in the Chippewa County Jail until such forfeiture costs are paid, by not exceeding thirty (30) days.

(6) OBSTRUCTIONS AND ENCROACHMENTS

(A) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public

grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection 14.01(6)(B).

(B) Exceptions. The prohibition of subsection (A) above shall not apply to the following:

(1) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street, or alley.

(2) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.

(3) Public Utility encroachments duly authorized by State law or the Common Council.

(4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.

(5) Excavations and openings permitted under subsection 14.01(5)(B) of this code.

(C) Removal By City. In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstructions within twenty-four (24) hours after notice from the Superintendent of City Works to do so, it shall be the duty of the Superintendent of City Works to remove such obstruction and make return of the cost and expense thereof to the City Administrator 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.

(D) Penalty. The penalty for violation of any of the provisions of this section shall be a penalty as prescribed by Section 1.05 of this code.

(7) CLEANING, REPAIR, SNOW AND ICE REMOVAL

(A) Responsibility of Owner, Occupant, Etc. The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the City of Cornell fronting or abutting any street shall keep all adjoining sidewalks in

good sufficient safe repair and clean of any snow, ice, dirt, or rubbish to the full width and extent of the sidewalk. In the case of snow or ice accumulation, each owner, occupant, or person in charge of such building or structure shall clean or cause to be clean the sidewalk in front of or adjoining such home, building or structure as the case may be of snow or ice to the width of such sidewalk by 12:00 noon of each day and shall cause the same to be kept clear from such ice and snow, provided that when the ice is formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust, sand, or salt; provided also, that in case snow shall continue to fall during and after 12:00 noon, then it shall be removed within three (3) hours of daylight after it shall cease to fall.

(B) **Report of Defective Walks** It shall be the duty of the City Works Department to report to the Common Council all cases of defective sidewalks, describing the lot or premises along or upon which the same exists, giving the name of the owner or occupant thereof.

(C) **City Shall Clean At Owner's Expense.** Whenever an abutting property owner or occupant shall fail, neglect or refuse to remove from the sidewalk adjacent thereto any snow, dirt or rubbish, or remedy any slippery or dangerous condition, such work may be done by the City Works Department of the City of Cornell at the expense of such owner or occupant, and such expense shall be collected and levied in the special tax in the manner provided by law.

(D) **Damage to Streets, Alleys and Sidewalks.**

(1) **Lugs Prohibited.** No person shall operate any vehicle on the streets, alleys or sidewalks within the City which is equipped with metal lugs, except upon permit granted by the Superintendent of City Works.

(2) **Damage to Pavement.** No person shall drop or let fall upon any pavement or sidewalk, any heavy object, unless such pavement or sidewalk is sufficiently protected to prevent damage thereto.

(E) **Penalty.** The penalty for violation of any provision of this section for which a specific penalty is not provided shall be as set forth in Section 1.05. A separate offense shall be deemed committed during each day or part thereof during which a violation occurs or continues.

(8) **HOUSE NUMBERING SYSTEM**

(A) The following house numbering system shall constitute the

uniform address system for the City of Cornell.

(B) All existing residences and places of business and all residence's and businesses hereafter constructed shall be numbered in accordance with the provisions of this section. For situations in which the grid system is inappropriate, the City Works Superintendent shall have discretion to determine numbering.

(C) Numbers shall be assigned on the following basis:

On the East and West streets, the even numbered houses are on the North side and the odd numbered houses are on the South side.

On the North and South streets, the even numbered houses are on the West side and the odd numbered houses are on the East side.

For diagonal streets the City Works Superintendent determines the house numbering.

(D) Plat Book to be Kept.

(1) For the purpose of facilitating the establishment and continuing workability of a uniform system in the City there shall be prepared and kept on file in the office of the Superintendent of City Works, a plat or plat book showing the proper addresses of all residences and places of business within the City. The Superintendent of City Works shall inform any persons applying therefor of the number or numbers and approved street name belonging to a lot or property. In case of doubt as to the proper address belonging to any lot or property, the Plan Commission shall make the final determination.

(2) Within Thirty (30) days after the final approval of any new subdivision or other division of land, the Superintendent of City Works shall assign addresses to each new building site. Record shall be kept of assignments and a copy shall be provided to the developer at his/her request.

(E) Owner to Install Number

(1) When the Superintendent of City Works has assigned a

number to each residence and place of business, the owner, occupant or agent shall install or cause to be installed in a conspicuous place upon the premises occupied by each house or place of business occupied or controlled by him/her, the number or numbers assigned under the uniform address system provided for by this section.

(2) Whenever any structure is situated more than fifty feet (50') from the street line, the number of such structure shall be conspicuously displayed behind the sidewalk, near the driveway or common entrance thereto or upon a gate, post or other appropriate place so as to be easily discernible from the street but so as not to obstruct the vision of motor vehicle operators. All residences must use numbers supplied by City or numbers which can be easily read from a distance of Fifty feet (50').

(3) **Correcting Existing Numbers.** The owner of any dwelling or building, and which is not numbered or is incorrectly numbered, shall cause same to be numbered or renumbered, as the case may be, forthwith and not later than thirty (30) days from the effective date hereof and shall thereafter maintain same in compliance with this Ordinance. It is the duty of the owner of any dwelling or building date of this Ordinance to properly number same as herein provided and shall thereafter maintain the same.

(4) **Numbers, Size, and Location.** Such numbers shall not be less than 3 inches in height and shall be conspicuously placed immediately above, on or at the side of the front or main entrance for of each dwelling or building so that the number can be plainly seen from the street.

(5) **Apartments and Multiple Family Dwellings.** The owner of any apartment or multiple family dwelling shall, whenever feasible, such feasibility to be determined by the Superintendent of City Works, number each dwelling unit separately. In such cases, the Superintendent of City Works shall use the suffix system "A", "B", "C", etc. to describe individual apartments.

(F) **Buildings Erected After System Installed.** Whenever any residence or place of business shall be erected in the city after the work of establishing a uniform address system has been completed, the owner at the time of obtaining a building permit shall procure the correct number and street name from the Superintendent of City Works and within thirty (30) days thereafter install the number on the building on or premises as provided in Sub. (E).

(G) **Procedure if Owner Fails to Comply.** If the owner or occupant of any residence or place of business shall neglect for a period of thirty (30) days after written notification by the Superintendent of City Works of the assignment of a number, to duly attach and maintain the proper number on such premises, the

Superintendent of City Works shall serve upon him/her a notice requiring such owner to occupant to properly number the premises. If the owner or occupant neglects to do so after service of such notice and a period of ten (10) day elapses, he/she shall be deemed to have violated this section.

(H) **Penalty.** The penalty for violation of any of the provisions of this section shall be a penalty as prescribed by Section 1.05 of this code.

(9) **COUNCIL TO PERFORM DUTIES OF BOARD OF PUBLIC WORKS.**
Pursuant to Wis. Stats. §62.09, the Common Council by a two-thirds vote, shall perform those duties of the Board of Public Works or Public Utilities Commission required by Wis. Stats. §62.15, including determination of whether an emergency exists under Wis. Stats. §62.15(16), and the determination of whether public construction may be completed under the exception for volunteers and donated materials in Wis. Stats. §62.15(1).

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