

Title 12

STREETS AND SIDEWALKS

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Chapter 12.02

OFFICIAL CITY MAP

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12.02.010 **Official city map established.**

To conserve and promote the public health, safety, convenience and general welfare, there is established an official map of the city pursuant to Wisconsin Statutes Section 62.23(6). Said map shall be as displayed and filed in the City Hall this date and as amended by the city council from time to time. (Ord. 2E-82 (part), 1982)

12.02.020 **Filing of certificate with register of deeds.**

Immediately upon the passage and publication of the ordinance codified in this chapter, the city clerk shall file with the county register of deeds a certificate that the city has adopted this official city map. (Ord. 2E-82 (part) 1982)

12.02.030 **Effect of official city map.**

The official city map as properly amended from time to time shall be deemed to be final and conclusive with respect to the location and width of streets, highways and parkways, and the location and extent of parks and playgrounds shown thereon. (Ord. 2E-82 (part), 1982)

12.02.040 **Amendments to official city map.**

The city council, whenever and as often as it deems it in the public interest, may change or add to the official city map so as to establish the exterior lines of planned new streets, highways, parkways, parks or playgrounds, or to widen, narrow, extend or close existing streets, highways, parkways, parks or playgrounds. Any such change, addition, or amendment shall be made in the manner prescribed in Wisconsin Statutes Section 62.23 as amended or renumbered from time to time. (Ord. 2E-82 (part), 1982)

12.02.050 **Subdivision plat conformity.**

The city plan commission shall require conformity with the official city map in recommending approval of any subdivision plat. (Ord. 2E-82 (part), 1982)

12.02.060 **Notification to county of street address changes.**

The city administrator, or his/her designee, is directed to provide information to the Eau Claire County department of planning and development with regard to new, extended or annexed streets as follows:

A. Within two working days of approval of a final plat, the city shall submit the names and range of addresses of all of the streets or roads established in the new subdivision to the Eau Claire County department of planning and development. This shall include the name and range of addresses of all new streets or roads in the names and extended range of addresses for any existing streets or roads that are extended into the new subdivision.

B. Within two working days of approval by the city council of the extension of an existing street or road which is not planned as part of a subdivision plat, the city shall notify the Eau Claire County department of planning and development of the name and extended range of addresses of the existing street or road that is extended.

C. Within two working days of final approval of the annexation ordinance, the city shall notify the Eau Claire County department of planning and development of the name and range of addresses of any existing street, road or road segment that has been annexed into the city of Altoona. The notification shall indicate the old name of the street or road, and the new name and range of addresses assigned by the city of Altoona. The notification shall indicate the new names and range of addresses even if the new name and range of addresses is the same as the old name and range of addresses. (Ord. 11A-98, 1998)

Chapter 12.04

SIDEWALK CONSTRUCTION, REPAIR AND MAINTENANCE

Sections:

- 12.04.010** **Owner or builder responsibility.**
- 12.04.015** **Deferral of sidewalk construction.**
- 12.04.020** **Property owners' work on sidewalks regulated and restricted.**
- 12.04.025** **Sidewalk grade must be set by city.**
- 12.04.030** **Construction and repair specifications applicable.**
- 12.04.040** **Cleaning of snow and ice required.**
- 12.04.050** **Violation—Penalty.**

12.04.010 **Owner or builder responsibility.**

It shall be the duty of the abutting owner to build, repair, construct and perpetually maintain sidewalks along or upon any street, alley or highway in the city and to pay the entire cost thereof. Whenever the city council 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 city, it shall proceed according to Wis. Stat. § 66.0907. It shall be the duty of the builder to construct sidewalks in constructing a new building along or upon any street, alley or highway in the city, and said builder shall include with plans and specifications filed to obtain a building permit plans and specifications for sidewalks, unless the city council grants a deferral of this provision. It shall be the duty of the builder to provide and pay for adequate street lights in the construction of any undeveloped area. (part, Ord. 2B-15, 2015; Ord. 2B-95, 1995; Ord. 10B-94, 1994; Ord. 9F-83, 1983; Ord 10B-80, 1980; Ord. A-40 § 1, 1968: prior code § 6.02(1))

12.04.015 **Deferral of sidewalk construction.**

Sidewalks shall be constructed in all locations as set forth at Section 12.04.010, except the city council retains the authority to defer the construction thereof wherever it is deemed necessary and desirable. A deferral shall not constitute a permanent waiver of sidewalk construction, and the city council may review and reconsider the need for construction at any time. Sidewalk construction may, at the discretion of the council, be deferred in the following situations:

- A. Where the construction would be along an area where little or no pedestrian use is reasonably anticipated;
- B. Where the owner of the property adjacent to the street elects to provide an alternative pedestrian facility which is acceptable and approved;
- C. When it is deemed that the construction of a sidewalk is not feasible or practical due to topographical or other physical constraints; or
- D. When it is found that the construction of a sidewalk would not serve the public interest, safety or convenience. (Ord. 2D-95, 1995)

12.04.020 **Property owners' work on sidewalks regulated and restricted.**

A. Property owners may lay, remove, replace or repair any public sidewalks abutting their property unless said sidewalk is in an area in which the city intends or plans to contract for sidewalk construction or repair within the calendar year in which the owner proposes to do said project. If the city plans or intends to contract for or perform sidewalk repair or construction within the area in which any sidewalk or proposed sidewalk is located within the calendar year, then all sidewalk repair, replacement or construction shall be done by the city's contractor as part of the city's contract, and abutting property owners shall not have the option of performing said work themselves.

B. All sidewalk construction, replacement or repair shall meet all specifications required by the city.

C. No person may lay, remove, replace or repair any public sidewalk without first obtaining a permit from the city building inspector and allowing the building inspector to have adequate notice and opportunity to inspect the project before, during and after the performance of the work. (Ord. 11C-86, 1986: prior code § 6.02(2))

12.04.025 Sidewalk grade must be set by city.

A. Before starting the erection or construction of any new structure on a lot, the owner thereof must first secure a sidewalk grade from the city. A request to have the sidewalk grade established must be submitted to the office of the city clerk- treasurer, who will then have the city engineer establish such grade.

B. The city will stake such sidewalk grade at the request of the owner one time free of charge. Any additional staking of the sidewalk grade must be paid for by the person or parties requesting the staking. (Ord. 11C-82, 1982)

12.04.030 Construction and repair specifications applicable.

A. All sidewalks and driveway approaches shall be constructed, repaired, and rebuilt in accordance with specifications as established by the director of public works. Subject to the provisions of subsection B and unless as otherwise directed by the director of public works, the width of all sidewalks in all residential areas shall be four feet. The sidewalk width in all other areas shall be established by the director of public works.

B. The design of sidewalks shall be flexible and shall be adapted to suit the particular needs of the area within which they are constructed. The materials used and designs employed in connection with sidewalk construction shall be consistent with topography and aesthetics. Trees shall not be removed in order to construct sidewalks unless their removal is reasonably necessary in order to accommodate such construction, as determined by the director of public works. If a boulevard exists, as much space as possible shall be retained on it to provide for the storage of snow. (Ord. 6A-96, 1996: Ord. 1D-82, 1982: Ord. A-141, 1976; Ord. A-94 § 1, 1974: prior code § 6.02(3)(b) and (c))

12.04.040 Cleaning of snow and ice required.

A. The owner or occupant of every lot or parcel of land shall keep the public sidewalk adjacent to such premises reasonably free and clear from snow and ice and shall clear the snow from such sidewalk within twenty-four hours following the end of a snowfall. Businesses shall also keep sidewalks free and clear within twenty-four hours following the end of a snowfall or at the commencement of the next business day. Any owner violating the provisions of this section shall be subject to a forfeiture of not less than five dollars nor more than one hundred dollars for each offense. Upon the failure of an owner to clear any sidewalk as required under this section, the public works director or his/her designee may cause the sidewalk to be so cleared and shall cause the cost thereof to be levied as a special tax chargeable to such lot or parcel of land to be collected like other taxes upon real estate, as prescribed in Wis. Stat. § 66.0907; provided, however, that there shall be a minimum cost of one hundred dollars for each such clearing of the sidewalk. (part, Ord. 2B-15, 2015; Ord. 1D-06, 2006).

B. The City shall assume responsibility for maintenance of sidewalk segments depicted in the official Sidewalk Maintenance Map incorporated by reference.

C. The City shall assume responsibility for maintenance of multi-use trail segments depicted in the official Trail Maintenance Map incorporated by reference.

D. "Sidewalk," as used in this chapter, means any sidewalk, path, walk or way regularly used by pedestrians along any opened and established street and within the boundaries of such street. (Ord. 3B-97, 1997; Ord. 10A-89, 1989)

E. "Multi-Use Trail," as used in this chapter, means any path intended for use by pedestrians, bicyclists, inline skaters, and other users within the public right-of-way or on or through other City property. (Ord 5B-17, 2017)

12.04.050 Violation—Penalty.

The penalty for violation of any of the provisions of this chapter shall be a penalty as provided in Chapter 1.08. A separate offense shall be deemed committed during each hour or part thereof during which a violation occurs or continues. (Prior code § 6.05(2))

Chapter 12.08

STREET GRADES

Sections:

- 12.08.010** **Established.**
- 12.08.020** **Alteration prohibited.**
- 12.08.030** **Violation—Penalty.**

12.08.010 **Established.**

The grade of all streets, alleys, and sidewalks shall be established by resolution by the city council and the same recorded by the city clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. (Prior code § 6.01(1))

12.08.020 **Alteration prohibited.**

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the city by any means whatsoever unless authorized or instructed to do so by the director of public works. All such alterations of grade shall be recorded in the office of the city clerk by the officer authorizing the alteration. (Ord 7D-05, 2005, Prior code § 6.01(2))

12.08.030 **Violation—Penalty.**

The penalty for violation of any provision of this chapter shall be as provided in Chapter 1.08. (Prior code § 6.01(3))

Chapter 12.12

DRIVEWAY APPROACHES

Sections:

12.12.010	Permit required
12.12.015	Definitions
12.12.020	Number permitted on residential lots—Width.
12.12.025	Commercial Driveway Approaches.
12.12.030	Driveway approaches to be hard surfaced.
12.12.040	Violation—Penalty.

12.12.010 Permit required.

A. No person shall make, cause to be made, change or relocate a driveway, driveway approach or parking pad within the city without first obtaining a permit therefor from the Director of Public Works or designee. (part Ord. 4D-08, 2008, Ord. 12B-05, 2005)

B. Fee. The permit fee shall be established by resolution of the Common Council and illustrated in the schedule of fees in Altoona Municipal Code 3.08.

C. Conformance to Zoning and Permitted Activities. No permit as defined in this Chapter may be issued without an approved building permit, site plan, or subdivisions instrument with associated civil drawings. (part Ord 5F-18, 2018).

12.12.015 Definitions.

A. Driveway Approach or Driveway Apron. The connection between a driveway and the traveled portion of a street, in the public right-of-way, including any sidewalk area abutting thereon.

B. Driveway. An improved surface maintained for motor vehicle access and parking. Such surfaces include those located from street entrance to garage or parking area, and those used specifically for “tee” turnaround, for circular turnaround or circular through traffic.

C. Parking Pad. An improved surface which is not a driveway or drive apron, connected to a driveway upon which vehicles (including autos, boats, recreational vehicles, motor homes, and all trailers) are parked.

D. Improved Surface or Hard Surface. A surface of Portland cement concrete, Asphalt concrete, Pavers (of stone, brick, or concrete), or Bituminous surface treatment, laid over subsoil, which provides a hard driving surface, resists rutting, provides for sufficient water run-off, and is graded and drained to dispose of all surface water in a manner so as not to cause erosion or a nuisance. (part Ord. 4D-08, 2008)

12.12.020 Number permitted on residential lots—Width.

A. Not more than one driveway approach, twenty-two feet in width, shall be constructed on any one residential lot in the city. Two additional feet of width may be utilized to taper to the curb on each side of the driveway approach. The width shall be measured at the property line abutting a street frontage if no sidewalk exists. Where sidewalk exists the width shall be measured at the street-side edge of the sidewalk. (part Ord. 4D-08, 2008)

B. The width of a driveway approach shall match the width of the corresponding driveway as follows:

1. Where sidewalk exists, the width of the approach as measured on the street-side edge of the sidewalk shall match the width of the driveway as measured on the lot-side edge of the sidewalk.

2. Where no sidewalk exists, the width of the driveway approach shall match the width of the driveway at the property line.

3. Where a driveway turns or is widened at the point of connection to the driveway approach, it shall be constructed in a manner so as to leave an area of turf (or landscaped and vegetated area) of at least a forty-five degree (45°) angle from the property line at the right of way. This area shall serve to

enhance the management of stormwater and shall be at least ten feet (10 ft) in width extending into the lot from the property line at the right of way. (part Ord. 4D-08, 2008)

12.12.025 Commercial Driveway Approaches

A. Scope. This Section shall apply to all driveway approaches and aprons serving all properties, except for those which the current or proposed principal use is a one-family or two-family dwelling.

B. The width of the driveway shall match the width of the driveway approach or apron at the sidewalk or street right-of-way line.

C. Driveways shall be no wider than necessary to safely accommodate entering and existing vehicles. Increasing driveway width shall not be used as a substitute for adequate site design.

D. All entrances and approaches shall be so located as to provide adequate sight distance in both directions along the street for safe access to the street without interfering with vehicular or pedestrian traffic on the street.

E. The approach geometry, including but not limited to apron, taper and radius, shall be approved by the City Engineer based upon minimum necessary dimensions to safely encourage and accommodate slow and controlled vehicle movements.

1. The driveway apron shall not be less than 11 feet in width, nor more than 30 feet in width, measured at the inside edge of the sidewalk line or street right-of-way line, and shall be so located and angled as to minimize hazard to other vehicles or people;

2. Maximum permitted turning radius at pavement edge shall be ten (10) feet;

3. No radius greater than five (5) feet shall encroach on a sidewalk or bicycle facility.

F. The City Engineer, at sole discretion, may approve deviations to the requirements in subsection (E) upon finding:

1. A wider apron or radius is needed for the turning movements of large trucks, which are expected to comprise a substantial portion of vehicle traffic;

2. For other good reason, citing both evidence of need and accepted engineering standards, directly related to traffic control and safety;

3. The proposed design shall prioritize and protect the safety and convenience of pedestrian and bicycle circulation around the site and vicinity. (part Ord. 5F-18, 2018)

12.12.030 Driveway approaches to be portland cement concrete.

All driveway approaches constructed or altered after the date of passage of the ordinance codified in this section shall be portland cement concrete; all driveway approaches that are not currently hard surfaced shall be portland cement concrete at such time as the adjacent street is improved; provided, however, that all driveway approaches in the city that are not hard surfaced shall be portland cement concrete within two (2) years of receiving notice from the City. (Ord 2C-18, 2018).

12.12.040 Violation—Penalty.

The penalty for violation of this chapter shall be the penalty as provided in Chapter 1.08. (A-95 § 2, 1974; prior code § 6.07 (part))

Chapter 12.16

STREET AND SIDEWALK EXCAVATIONS

Sections:

12.16.010	Permit required.
12.16.020	Permit-When not required.
12.16.025	Cost/Permit Application.
12.16.030	Bond required—Conditions.
12.16.040	Public liability insurance required—Amount designated.
12.16.050	Openings—Prohibited when ground frozen—Exception.
12.16.060	Openings—Removal of paving—Requirements.
12.16.070	Openings—Barriers and lights required.
12.16.075	Right of way restoration by City.
12.16.080	Replacing surface—Requirements.
12.16.085	Settlement of pavement and surfacing.
12.16.090	New excavation—City council notice—Time limit for completion— Reopening permitted when.
12.16.100	Emergency excavation authorized when—Permit application required.
12.16.110	Denial of permits.
12.16.120	Violation—Penalty.

(The Current Chapter 12.16 was repealed and replaced with revised Chapter 12.16. Ord. 1B-06.)

12.16.010 Permit required.

No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the city without first obtaining a permit from the director of public works or his/her designee. (Ord. 5A-96, 1996; prior code § 6.03(1))

12.16.020 Permit – When not required.

Contractors performing excavation work while under city contract are not required to obtain a permit under this chapter for such work unless a permit is specifically required by the city.

12.16.025 Cost/Permit Application.

Prior to receiving a permit, a business, homeowner or homeowner's agent shall complete an application formally requesting permission to engage in the activities referenced in section 12.16.010. The cost for applying shall be determined by the city of Altoona's abbreviated fee schedule found in chapter 3.08. (part Ord 2A-06, 2006)

12.16.030 Bond required—Conditions.

A. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the city clerk an indemnity bond not to exceed Ten Thousand (\$10,000) dollars and approved by the director of public works. The purpose of the bond will be to indemnify and save harmless the city, its officers, and any and all third parties from all liability for accidents and damage caused by any of the work covered by the applicant's permit. The bond will also ensure the applicant will fill up and place in safe condition all excavations and openings made in the street, and will replace and restore the pavement over any opening to its original condition, normal wear and tear excepted, for a period of two (2) years. The applicant also agrees to pay all fines imposed for any violation of any regulation or ordinance governing street openings or drain-laying and will repair any damage done to existing improvements during the progress of the excavation. Such bond shall also guarantee that if the city shall elect to make the street repair, the entity requesting the opening of the street

will pay all costs of making such repair and of maintaining the same for two (2) years.

B. Recovery on such bond for any accident, injury, violation of law, ordinances, rule or regulation shall not exhaust the bond but it shall cover any and all accidents, injuries or forfeitures during the period of excavation.

C. An annual bond may be requested under this chapter to cover all excavation work done by the applicant for one (1) year beginning January 1st, which shall be conditioned as specified above and in the amount determined by the director of public works or his/her designee. (Prior code § 6.03(3))

D. An applicant may be granted the privilege of excavation but is agreeing to assume primary liability for damages to person or property by reason of granting the privilege and is also obligated to remove any obstruction or excavation upon ten (10) days notice by the municipality. Additionally, the applicant agrees to waive the right to contest in any matter the validity of this section or the amount of compensation to be charged, in accordance with Wisconsin Statutes Section 66.0425(2).

E. If there is no established lot line and the application is accompanied by a blueprint, the City may impose any conditions on the excavation it considers advisable.

F. The applicant agrees third parties who are granted the privilege understand that third parties whose rights are interfered with by the granting of an excavation permit only have a right of action only against the applicant.

G. This section does not apply to an obstruction or excavation that is in place for less than ninety (90) days, and for which a permit has been granted by the City.

12.16.040 Public liability insurance required—Amount designated.

Prior to the commencement of excavation work the applicant must furnish the city clerk satisfactory written evidence the applicant has in force and will maintain during the period of excavation, public liability insurance of not less than three hundred thousand (\$300,000) dollars for one person, three hundred thousand (\$300,000) dollars per one accident and property damage insurance of not less than fifty thousand (\$50,000) dollars. (Prior code § 6.03(4))

12.16.050 Openings—Prohibited when ground frozen—Exception.

No opening in the street or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the director of public works or his/ her designee. (Prior code § 6.03(5)(a))

12.16.060 Openings—Removal of paving—Requirements.

In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters. (Prior code § 6.03(5)(b))

12.16.070 Openings—Barriers and lights required.

A. Every person shall enclose with sufficient barriers each opening which the applicant may make in the streets or public ways of the city. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the applicant and their agents or employees.

1. Barricades and construction warning signs shall be constructed and reflectorized in conformance with the Manual on Uniform Traffic Control Devices for Construction Zones (MUTCD), latest edition and revisions.

2. All barricades used at night shall be lighted with at least one (1) red flasher per barricade.

3. Each barricade shall have the name, address and telephone number of the excavating contractor or barricade rental agency prominently marked. The telephone number shall enable contact to be made with the contractor or authorized representative twenty-four (24) hours a day.

B. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property. The applicant making such excavation shall be held liable for all damages, including costs incurred by the city in defending any action brought against it for damages.

C. If the excavation requires closing of a street or alley, the department shall be notified at least twenty-four (24) hours prior to the proposed closing, except in the case of an emergency excavation. Detour routes shall be approved by the director of public works or his/her designee before a permit is granted. All barricades and detour signs shall be furnished and maintained by the applicant to establish the detour route and provide signing or traffic control measures. If the city is required to provide such services in emergency situations, such services provided shall be billed to the applicant.

D. All backfilling shall be completed in accordance with the specifications and requirements established by the director of public works or his/her designee. Any excavated material which is not suitable for refilling shall be replaced with city-approved backfill material.

E. Sheathing shall be required for all excavations within all streets other than those having gravel or oiled surfaces, and shall be constructed and maintained in accordance with all applicable OSHA standards. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench.

F. All persons excavating in a street, alley or public place shall comply with Wisconsin Statutes 182.0175 to provide advance notice to transmission facility owners who may be affected by the excavation.

12.16.075 Right of way restoration by City.

If permit holders fail to fill up and place in a safe condition any excavation, the city department of public works may complete any work necessary to repair the excavation and restore it to city standards. The cost of such work will be charged to the permit holder according to the city of Altoona's abbreviated fee schedule found in chapter 3.08. (part Ord. 2A-06, 2006)

12.16.080 Replacing surface—Requirements.

In opening any street or sidewalk, all rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of two (2) years. In refilling the opening, the earth must be puddled or laid in layers not more than six inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. The city may elect to have the city make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for two (2) years shall be charged to the permittee making the street opening. Unless directed otherwise by the city, any opening in any street or sidewalk must be replaced within thirty days to its original state and with the same type of material as that removed by the applicant. (Ord. A-45 § 1, 1968: prior code § 6.03(5)(d))

12.16.085 Settlement of pavement and surfacing.

The applicant shall be responsible for the cost of replacement and restoring the grade of pavement or surfacing which has settled within two (2) years from the date of completion of backfilling. If the applicant fails to replace the inferior work, the city shall perform the work and charge the applicant for the actual costs, plus an administrative charge. Each successive replacement by the applicant shall be subject to the requirements of this section.

12.16.090 New excavation—City council notice—Time limit for completion—Reopening permitted when.

Whenever the city council 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 city council, the city clerk shall notify in writing each person, utility, city 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 must be

completed within thirty days. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate said street for a period of five years after the date of improvement or repaving unless in the opinion of the city council an emergency exists which requires a permit be issued. (Prior code § 6.03(6))

12.16.100 Emergency excavation authorized when—Permit application required.

In the event of an emergency, any entity owning or controlling any sewer, water main, conduit or utility in or under any street, and their agents or 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 shall apply for an excavation permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit. (Prior code § 6.03(7))

12.16.110 Denial of permits.

If any contractor fails to comply with the requirements of this chapter, such performance shall be considered by the director of public works before further excavation permits are granted. If the record indicates substantial or repeated disregard for the provisions of this chapter, further excavation permits may be denied.

12.16.120 Violation—Penalty.

The penalty for violation of any provision of this chapter shall be as provided in Chapter 1.08. (Prior code § 6.03(9), Ord. 1B-06, 2006).

Chapter 12.18

IRRIGATION/UNDERGROUND SPRINKLING SYSTEM PERMIT

Sections:

12.18.010	Permit Required
12.18.020	Cost/Permit Application
12.18.030	Conditions of Permit
12.18.040	Waiver of Liability
12.18.050	Alterations
12.18.060	Removal
12.18.070	Violation - Penalty

12.18.010 Permit Required.

No person shall make or cause to be made any excavation or opening in any public right-of-way for the purpose of installing underground sprinkling or irrigation systems without a permit from the Director of Public Works.

12.18.020 Cost/Permit Application

Prior to receiving a permit, a business, a homeowner or homeowner's agent shall complete an application formally requesting permission to engage in the activities referenced in Section 12.18.010. The cost for applying shall be determined by the City of Altoona's abbreviated fee schedule found in Chapter 3.08.

12.18.030 Conditions of Permit

A. Any installation of sprinkling or irrigation systems which require the opening or excavation of a street, sidewalk or alley, shall also require the applicant or his/her agent to comply with Chapter 12.16 of the Altoona City Code.

B. Any area in the public right-of-way which is disturbed shall be returned to its present condition or better, subject to the satisfaction of the Director of Public Works.

C. No permit shall be granted nor shall any work be commenced when the ground is frozen.

D. The Director of Public Works may also attach conditions to the permit. Any such conditions must be satisfied or the applicant may be subject to a violation under Section 12.18.070.

E. All installation and remediation efforts shall be fully completed within 45 days of the date of the issuance of the permit. A failure to adhere to this 45 day time requirement shall subject the permit holder to the penalty provision of 12.18.070.

12.18.040 Waiver of Liability

The permit holder agrees to indemnify and hold harmless the City of Altoona, its employees, and agents from any cost, claim, suit, liability and/or award which might come, be brought, or be assessed because of the issuance or exercise of this permit, or because of any adverse effect upon any person or property which is attributed to the partially or entirely completed works of the permit holder.

12.18.050 Alterations

The sprinkling or irrigation system shall, if necessary, be altered at the expense of the permit holder to allow alteration, improvement or maintenance of the street as may hereafter be ordered. The entire cost of constructing, amending, maintaining or removing of the permitted work shall be borne by the permit holder.

12.18.060 Removal

A. The City reserves the right to request the removal of irrigation and sprinkler systems from the public right-of-way at any time and without compensation to the permit holder.

B. An order for removal of such encroachments shall be approved by a majority of the Common Council. Such order shall then be served on the permit holder and command the removal 30 days after service of process has been satisfied. If a failure to remove occurs, the City may take action in accordance with Wis. Stats. 86.04.

12.18.070 Violation - Penalty

The penalty for violation of any provision of this Chapter shall be as provided in Chapter 1.08. (Ord. 1C-05, 2005).

Chapter 12.20

OBSTRUCTIONS AND ENCROACHMENTS

Sections:

12.20.010	Obstructions and encroachments prohibited where.
12.20.020	Exceptions to applicability.
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12.20.010 Obstructions and encroachments prohibited where.

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 Section 12.20.020. Such prohibitions shall include, but not be limited to, the placement of snow upon the above enumerated areas. (Ord. 1C-96, 1996: prior code § 6.04(1))

12.20.020 Exceptions to applicability.

The prohibition of Section 12.20.010 shall not apply to the following:

- A. Signs or clocks attached to buildings which project not 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. Awnings which do not extend below any point seven feet above the sidewalk, street or alley;
- C. Public utility encroachments duly authorized by the state or the city council;
- D. Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two hours;
- E. Temporary encroachments or obstructions authorized by permit under subsection C;
- F. Excavations and openings permitted under Chapter 12.16. (Prior code § 6.04(2))

12.20.030 Permit—Required when.

Permits for the use of the streets, alleys, sidewalks or other public ways or places of the city may be granted to applicants by the city council 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 requirements of Sections 12.20.040 through 12.20.060 and has obtained a building permit if required. (Prior code § 6.04(3)(a))

12.20.040 Permit—Bond required.

No street obstruction or encroachment permit shall be issued until the applicant shall execute and file with the city clerk a bond in an amount determined by the city council, conditioned that the applicant will indemnify and save harmless the city from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the city resulting from such building or moving operations. Ord.2B-06, 06. (Prior code § 6.04(3)(b))

12.20.050 Permit—Fee.

The fee for a street obstruction or encroachment permit shall be determined by the city of Altoona's abbreviated fee schedule found in Chapter 3.08. (Prior code § 6.04(3)(c))

12.20.060 Permit—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 city council 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 so as 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 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 city council.
- 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. (Prior code § 6.04(3)(d))

12.20.070 Permit—Termination.

All street obstruction or encroachment 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 city council. (Prior code § 6.04(3))

12.20.080 Removal by city when—Costs.

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 obstruction within twenty-four hours after notice from the mayor to do so, it shall be the duty of the mayor to remove such obstruction and make return of the cost and expense thereof to the city clerk 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. (Prior code § 6.04(4))

12.20.090 Violation—Penalty.

The penalty for violation of any of the provisions of this chapter shall be as provided in Chapter 1.08. (Prior code § 6.04(5))

Chapter 12.22

FRONTAGE ROADS

Sections:

- 12.22.010 Frontage road defined.**
- 12.22.020 Minimum dimensions of frontage roads.**
- 12.22.030 Required improvements on developed frontage roads.**
- 12.22.040 All improvements to be subject to special assessments.**

12.22.010 Frontage road defined.

Any road built adjacent to another street, road, or highway which is designed and built for use by local traffic so as to relieve the adjoining street, road, or highway from the local traffic shall be considered a frontage road for purposes of this chapter. (Ord. 2B-83 (part), 1983)

12.22.020 Minimum dimensions of frontage roads.

All frontage roads built within the city shall have a minimum right-of-way of sixty feet, all or part of which may coincide with adjacent public rights-of-way, and a minimum pavement width of thirty-two feet. (Ord. 2B-83 (part), 1983)

12.22.030 Required improvements on developed frontage roads.

When frontage roads are installed within the city, the following improvements shall be required: sanitary sewer, water, storm sewer, grading, gravel, curb and gutter, pavement, and driveway approaches. Notwithstanding other requirements set forth in this code, sidewalks shall be mandatory on the private property side of the frontage road only. (Ord. 2B-83 (part), 1983)

12.22.040 All improvements to be subject to special assessments.

All costs for improvements on frontage roads, including engineering, legal and administrative costs, shall be fully assessable to abutting lots under the special assessment ordinances of the city and special assessment statutes of the state of Wisconsin as existing at the time of said improvements. (Ord. 2B-83 (part), 1983)

Chapter 12.24

TREE TRIMMING AND SANITATION

REPEALED 12/22/15

Chapter 12.26

BOULEVARDS

Sections:

12.26.010 Boulevards.

12.26.010 Boulevards.

Effective January 1, 1984, all boulevard restoration projects will be bid as a part of any street, curb and gutter, or sidewalk construction project. Specifications for the restoration shall be set by the city engineer and shall conform with Department of Transportation regulations for boulevard restoration. The cost for such boulevard restoration shall be computed as a part of the special assessment levied against each property owner with regard to the construction project connected with boulevard restoration. (Ord. 8A-83, 1983)

Chapter 12.27

ACTIVITIES PROHIBITED ON STREET RIGHT-OF-WAY

Sections:

12.27.010 Sliding prohibited.

12.27.020 Penalty.

12.27.010 Sliding prohibited.

It is unlawful for any person to sled, toboggan, innertube, ski or slide in any other fashion on the right-of-way of Radcliff Avenue between the present cul-de-sac at the top of the hill and Third Street East. (Ord. 1E-88 (part), 1988)

12.27.020 Penalty.

Any person who violates this chapter shall be subject to the general penalty provisions set forth in Chapter 1.08 of this code. (Ord. 1E-88 (part), 1988)

Chapter 12.28

CITY PARK

Sections:

- 12.28.010** **Hours of operation.**
- 12.28.020** **Dogs and Cats Permitted in City Parks.**
- 12.28.030** **Other domesticated animals Prohibited in City Parks.**

Repealed and Replace, Ord 4A-17, 2017 (4-13-17)

12.28.010 **Hours of operation.**

A. All City Parks shall close at eleven p.m. every day, unless hours are extended under the supervision of the Parks and Recreation department or if express permission is granted by the City. The parks shall remain closed until five a.m. and there shall not be any amplified noise before eight a.m. or after ten p.m. unless under the supervision of the Parks and Recreation Department or if express permission is granted by the City. No one may be on the premises of the parks during the hours in which they are closed.

B. Violation of this section shall be punishable under the general penalty provisions of this code. (Ord. 7B-89, 1989; Ord. 5, 1977)

12.28.020 **Dogs and Cats Permitted in City Parks.**

A. Parks Subject to Ordinance

1. The following City Parks shall be subject to the provisions set forth under this section: 10th Street Park (Altoona City Park), Devney Park, Cinder City Park, Highland Park, Tower Park, Fairway Park, Centennial Park, Otter Creek Trail, River Prairie Park, River Walk in River Prairie and Lake Front Park.

B. Dogs and cats shall be allowed in City Parks but only if they are fully controlled by their owners/agents on a leash that has a length of no longer than six feet; provided, however, the City may designate specific areas for off leash exercising of dogs.

1. Dogs and cats shall be prohibited in playground areas, athletic facilities/fields, splash pads, and manmade river features.

2. Dogs and cats may be prohibited from certain special events or specific areas within a park in conjunction with a special event. If dogs and cats are prohibited from specific areas during special events, such areas shall be clearly designated.

3. Dogs and cats shall be prohibited from the premises of licensed food establishments subject to state/county food safety licensing. The premises of a licensed food establishment is defined as the space directly under the control of such establishments. Further, the City reserves the right to restrict animals from certain areas of parks during organized events in order to maintain food safety and sanitation standards. If dogs and cats are prohibited from specific areas to maintain food safety and sanitation standards, such areas shall be clearly designated.

C. Owners/Agents are required to remove any excrement which dogs and cats may deposit while in City Parks or any other public property. This requirement is further described in chapter 6.08.035 of the Altoona Municipal Code.

D. While in City Parks, dogs and cats shall not disturb the peace, as is defined in chapter 6.08.030 of the Altoona Municipal Code.

E. Dangerous or violent behavior by dogs or cats are prohibited. Owners/Agents are responsible for any damage caused by their dog or cats to other persons, animals, or public property. The City of Altoona is not liable for any damages caused. Dogs and cats deemed to be dangerous or violent, as determined in the City's sole and absolute discretion, shall be prohibited from Altoona City Parks.

F. Penalties

1. The penalty for violation of this chapter shall be as provided in chapter 1.08 of the Altoona Municipal Code.

12.28.030 **Other domesticated animals Prohibited in City Parks.**

With the exception of dogs and cats as noted in Section 12.28.020, no other domesticated animals as defined in Wis. Stats 174.001 shall be permitted in all City of Altoona Parks. Other domesticated animals may be permitted in a City of Altoona Park in conjunction with a special events permit issued in accordance with Ch. 5.50. (Ord 4A-17, 2017)

Chapter 12.29

GENERAL RESTRICTIONS REGARDING USE OF CITY PROPERTY

Sections:

12.29.090 Depositing of snow on city property prohibited.

12.29.090 Depositing of snow on city property prohibited.

The depositing, disposal, dumping, placement or collection of snow on city property by any persons other than city employees is prohibited. Violation of this chapter shall be punishable under the general penalty provisions of this code. (Ord. 10D-86, 1986)

Chapter 12.30

NOTIFICATION TO FIRE DEPARTMENT

Sections:

12.30.010 Notification to fire department.

12.30.010 Notification to fire department.

The street department shall give the fire department written notification whenever any streets are closed to traffic. When the street department is able to anticipate in advance the closing of streets, it shall give advance notice to the fire department of the location, times and dates of the street closing. When unexpected street closings occur, such notice shall be given immediately. When closed streets are reopened, the street department shall notify the fire department of the reopening of said streets. (Ord. 12B-87 (part), 1987)