

**Section 1: General Provisions**

- (a) **Authority.** This ordinance is adopted under the powers granted to the village by sec. 66.0907 Wisconsin Statutes and the powers of the village under general municipal law.
- (b) **Adoption by Reference of Sec. 66.0907 Wisconsin Statutes.** To the extent not modified by this Ordinance, all provisions of sec. 66.0907 of the Wisconsin Statutes setting forth and defining regulation with respect to sidewalks are hereby adopted and by reference made a part of this section as if fully set forth herein. Any violation of said 66.0907, Wis. Stats occurring within the Village of De Soto is declared to constitute a violation of this Ordinance

**Section 2: Responsibility for Costs of Installation, Repair and Maintenance of Sidewalks**

**(1) Installation of Sidewalks**

- (a) **Duty of Landowner to Install Required Sidewalks.** It shall be the duty of the owner of the real estate adjacent to any required public sidewalk to install such sidewalk to the standard specifications set forth in this Ordinance and to perpetually maintain such sidewalk in safe condition for pedestrian traffic, free of holes, cracks, variations in surface level and any other conditions which make the sidewalk unsafe
- (b) **Power of Village Board to Require Sidewalks.** The Village Board shall have the power to determine the location of all required sidewalks in the village.
- (c) **Grandfather Clause.** All sidewalks in existence on the effective date of this Ordinance shall be deemed to have been required by the Village Board.

**(2) Maintenance of Sidewalks**

- (a) **Duty of Landowners to Maintain Sidewalks.** After a sidewalk which fronts on or abuts a public street or highway has been installed, it shall thereafter be the duty of the owner and of all succeeding owners of the property abutting such sidewalk to maintain the sidewalk in such condition as to make it safe for pedestrian traffic. The following conditions are deemed to be conclusive evidence that a sidewalk is unsafe for pedestrian traffic:
  - 1. Any variation in elevation between one section of the sidewalk and an abutting section which exceeds 3/4 of an inch.
  - 2. Any area of the sidewalk where a portion of the concrete is missing or where a portion of the concrete has become loosened so it is no longer a solid portion of the sidewalk.

No person shall remove an existing sidewalk or any portion thereof (except preparatory to the replacement thereof immediately thereafter, as part of such replacement operation) unless prior to such removal the Village Board has, by ordinance or resolution, approved the removal without replacement of such sidewalk.

- (b) **Repair or Replacement of Defective Sidewalks.** Pursuant to sec. 66.0907, Wisconsin Statutes, the Village Board may order at any time any property owner to repair or remove and replace any sidewalk which is unsafe, defective or insufficient with a sidewalk meeting the standards set forth herein. If the property owner shall fail to so repair or remove and replace such sidewalk within thirty (30) days after service of the notice provided in sec. 66.0907, Wisconsin Statutes, the Village Board shall have a contractor repair or reconstruct such sidewalk and the Village Clerk shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land. If a life threatening situation exists which is caused by a sidewalk in need of repair, the Village Board shall direct the property owner to make repairs within seven (7) days. If the property owner fails to repair such sidewalk within the required period, a contractor shall make the necessary repairs and the Village Clerk shall enter the total cost hereof on the tax roll as a special tax against said parcel.

**(c) Actions of the Village Upon Landowner's Failure to Maintain Sidewalks.**

1. Authority of the Village to Order Sidewalk Replacement or Repairs. The Village Board may order any sidewalk which is found to be unsafe, defective or insufficient, to be repaired and replaced with a sidewalk in conformity with the foregoing standards.
2. Notice. A copy of the notice directing such repair or removal and replacement shall be served upon the owner or an agent of the owner of each lot or parcel of land in front of which such work is required.
3. Service of Notice. Service of the notice may be made by any of the following methods
  - a. Personal delivery upon the owner or the owner's agent.
  - b. Mailing by certified or registered mail to the property owner at the address shown in the most recent real estate tax records of the Vernon or Crawford County Treasurer for the owner of the property.
4. Rights of Village upon Failure of Owner to Make Required Repairs. If the owner neglects for a period of thirty (30) days after such service of notice to lay, remove, replace or repair the sidewalk, or such longer period of time set forth in the notice as determined by the Village Board, the Village may cause such work to be done at the expense of the property owner. All work for construction of sidewalks shall be let by contract to the lowest responsible bidder, except as provided in sec. 62.15(1), Wis. Stats.
5. Minor Repairs. If the cost of repairs of any sidewalk in front of or to the side of any lot or parcel of land does not exceed the sum of \$200.00, the Village Board may immediately repair such sidewalk without notice or may contract to have the work performed without the need to secure bids therefor, and may then charge the cost thereof to the owner of such lot or parcel of land as herein provided.
6. Expense. The Village Board shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land, whether the work is done by a contractor and report the expenses to the Village Clerk, who shall annually prepare a statement of the expenses so incurred in front of or to the side of each lot or parcel of land. The amount charged to each lot or parcel of land shall be entered by the Village Clerk in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate.
7. Payment of Expense of Repairs in Installment Payments. Any expense so incurred which exceeds one thousand dollars (\$1,000.00) may be paid in up to ten (10) annual installments, if permitted by the Village Board, which shall be determined on a case by case basis, and upon such determination, the Village Clerk shall prepare the expense statement to reflect the installment payment schedule. If annual installments for such expense are authorized, the Village Clerk shall charge the amount to each lot or parcel of land and enter it on the tax roll as a special tax against such lot or parcel each year until all installments have been entered, and the amount shall be collected in all respects like other taxes upon real estate.

**Section 3: Sidewalk Construction**

**(1) Sidewalk Installation Permits Required.**

- (a) Permit Requirement. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village of De Soto unless they either:
  1. Have a contract directly with the village to do such sidewalk installation work, or
  2. Have obtained a permit therefore from the Village Clerk's Office at least five (5) days before work is commenced.
- (b) Permit Fee. A fee of twenty dollars (\$20.00) shall be charged for such permit; the amount of such fee may be changed from time to time by resolution of the Village Board. The permit shall be issued upon application form provided by the Village Board.
- (c) When Permit Required. Such permit shall be required for all installations of sidewalk exceeding sixty (60) square feet in area.

- (a) Exemption From Permit Requirement for Small Repairs. Notwithstanding the **foregoing**, no permit shall be necessary for repairs to existing sidewalks which repairs do not exceed sixty (60) square feet in area.
- (2) **Standard specification for sidewalks.**
- (a) **General.** Concrete sidewalk construction shall meet the specifications and provisions set forth in this section and shall be constructed in locations in line with existing sidewalks. In new subdivisions sidewalks shall be placed in line with the property line.
- (b) **Sub-grade.** Sub-grade under a sidewalk shall be two (2) inches of sand fill, thoroughly and uniformly compacted and brought to the correct grade. Soft, porous and unsuitable sub-grade materials shall be removed and replaced with sand or other satisfactory material, and the sub-grade shall be thoroughly and uniformly compacted.
- (c) **Concrete.** The minimum quantity of cement per cubic yard shall be six (6) bags of ninety-four (94) pounds each. Concrete shall be mixed for at least one (1) minute. Gravel shall be of good quality and washed. Concrete shall test three thousand (3,000) pounds compression in twenty-eight (28) days.
- (d) **Forming.** Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing the cement. While striking off and finishing the concrete the forms shall be securely fastened, staked, braced and held firmly to required line and shall be sufficiently tight to prevent leakage of concrete, and all forms shall remain in place for a minimum of twenty-four (24) hours after the concrete is poured.
- (e) **Jointing and Finishing.** After striking off and while the concrete is still workable, the surface shall be floated with a wood, cork or metal float or by a finishing machine. At all places where the sidewalk intersects another sidewalk or curb-line, a one-half (1/2) inch expansion joint shall be placed the full depth of the concrete. Transverse expansion joints of one-half (1/2) inch thick shall be installed every thirty (30) feet. Sidewalks shall be marked off to make five (5) foot sections and be at right angles to the parallel line of the sidewalk. Any new sidewalk adjoining an old sidewalk or a sidewalk which abuts curb and gutter shall have a one-half (1/2) thick full depth expansion joint where the new sidewalk meets the existing sidewalk or the curb and gutter.
- (f) **Slope.** To provide adequate drainage, all sidewalks shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk and shall not slope more than two (2) percent. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street right-of-way, and unless otherwise specifically indicated, as with replacing existing sidewalks, the edge of the sidewalk farthest from the street roadway shall be on the property line.
- (g) **Width and Thickness.** All newly installed sidewalks shall be four (4) feet in width unless otherwise specified by the Village Board. When replacing existing sidewalks the replacement sidewalk shall be replaced to the width of the adjoining sidewalks. Sidewalks in Residential zoning districts shall be not less than four (4) inches thick and sidewalks in Commercial or Industrial zoning districts shall be not less than five (5) inches thick, except within driveway approaches the minimum thickness shall be not less than six (6) inches thick in all zoning districts.
- (h) **Driveway Approaches.** The area of a driveway located between the curb and gutter line and the sidewalk, commonly referred to as the driveway approach, shall be constructed of poured concrete six (6) inches thick or of three (3) inches of asphalt over an eight (8) inch deep compacted gravel base.
- (i) **Finishing.** The concrete shall be struck off true to grade, finished smooth and given a broom finish in transverse direction. Edges and joints shall be given a finish with a one-quarter (1/4) inch radius edging tool. Finishing operations shall be delayed until water on the surface has disappeared. No tool marks shall be left on exposed surfaces. In case of rain, the sidewalk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty- eight (48) hours and in cold weather [below fifty (50) degrees F.] for ninety-six (96) hours.

- (j) **Lawn Replacement.** When a contractor or landowner performs sidewalk installation or repair work in the Village of De Soto the lawn abutting the sidewalk shall be returned to the condition it was in prior to commencement of the sidewalk work at the expense of the landowner within 30 days of completion of work.
- (k) **Curb Ramping for Handicapped Access.** Any person constructing new curbs or sidewalks or replacing curbs or sidewalks within five (5) feet of a legal crosswalk in any village street or connecting highway or at any other location designated by the Village Board shall comply with the standards for curb ramping set forth in sec. 66.0909 Wisconsin Statutes.

#### **Section 4: Snow, ice and debris removal**

##### **(1) Snow and ice on sidewalks**

- (a) The owner, agent, occupant or person in charge of each and every building fronting upon or adjoining any street, and the owner or agent of every unoccupied building or parcel of land fronting as aforesaid, shall clean the sidewalk in front of or adjoining such building or unoccupied lot or building, as the case may be, of snow and ice to the full width of such sidewalk to the pavement, within 24 hours after it ceases to fall, and cause the same to be kept free from snow and ice; provided, that when ice has so formed on any sidewalk that it cannot be removed, the persons herein referred to shall keep the same sprinkled with ashes, sand or salt.
- (b) The owner, agent, occupant or person in charge of a corner lot or crosswalk shall also keep free from snow and ice any and all curb ramps extending past the curb and gutter to the edge of the street pavement. A corner lot is defined as a lot abutting upon two or more streets. The owner, agent, occupant or person in charge of the property adjacent to a public alley shall keep free from snow and ice that portion of the sidewalk which crosses the alley to its centerline.

##### **(2) Village of De Soto to remove**

- (a) In any case where any sidewalk in front of or adjoining any lot or parcel of land shall remain covered in any part with snow or ice 24 hours after any snowfall, the Village of De Soto may as soon as possible cause such snow or ice to be removed from the full width of such sidewalk and to report the expense of so doing to the Village Board as soon as practicable, with a description of the lot or parcel of land in front of or adjoining which such work has been done, and the Village Board shall cause such expense to be audited and paid out of the general fund and shall direct the village clerk to charge such expense to the lot or parcel of land adjoining which the same shall have been incurred, and the amount of such expense shall be inserted in the tax roll next thereafter to be made out as a special tax against such lot or parcel of land and shall be collected as other taxes upon real estate are collected. The cost for removal by the village shall be charged at the current village maintenance employee's wages with a one hour minimum plus an administration fee of twenty-five dollars (\$25) per snowfall event for any snowfall or accumulation for snowfalls, including wind blowing and trace amounts.

##### **(3) Debris removal from sidewalks**

- (a) No abutting property owner shall upon any sidewalk, street, alley or public ground so maintain the owner's land or any building situated thereon so that, by erosion or by travel, parts of the soil or any other substance shall be deposited upon the abutting sidewalk, street, alley or any public ground and if such deposit

**(4) Disposal of snow in streets**

- (a) No person shall use the public streets or any other public property as a place for disposal of snow from private property. Pushing, dumping, blowing, throwing or otherwise transferring snow from private property to a public street.

**(5) Merchant's duty to keep sidewalks free of litter and weeds.**

- (a) No person or business shall sweep into or deposit in any gutter, street or other public place within the Village the accumulation of litter and weeds from any building or lot or from any public or private sidewalk or driveway.

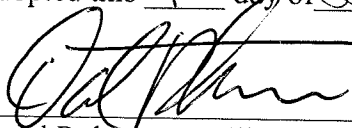
**Section 5: Penalties**

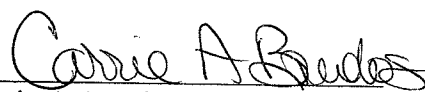
- (a) For Violations of this ordinance, the forfeiture of the first violation may be no less than \$75.00 and not less than \$100.00 for the second and any subsequent violation within a two-year period plus cost of prosecution and assessments
- (b) The following persons are hereby authorized to enforce the provisions of this ordinance and may issue citations as provided for in WI. Stat. 800.02(2) for violations in this ordinance.
1. The Vernon and Crawford County Sheriff's Dept.
  2. The Village President and Trustees

**Section 6:** This Ordinance Shall Take effect from and after its passage and posting as required by law and supersedes any other versions.

Amended and Approved 02/03/92 and 08/05/06.

Adopted this 1<sup>st</sup> day of September, 2016.

  
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David Robertson, Village President

Attest:   
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Carrie A. Brudos, Clerk/Treasurer

Date Posted: 9-6-16