

TITLE IX: GENERAL REGULATIONS

Chapter

91. STREETS AND SIDEWALKS

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Section

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Cross-reference:

Box elders; Dutch elm disease, see Ch. 92

§ 91.01 STREETS; CREATION AND ALTERATION; DEDICATIONS, NAMING, VACATIONS.

The following ordinances relating to the dedication, naming and vacation of streets are not repealed by this codification:

(A) Dedications: Ordinances #89, 152.

(B) Street names: Ordinances #101, 217, 600, 632.

(C) Vacations: Ordinances #26, 27, 28, 29, 30, 31, 32, 74, 92, 109, 168, 186, 189, 209, 227, 522.
(1989 Code, § 8.01)

§ 91.02 STREET FRANCHISES.

The following ordinances granted franchises to occupy the city streets and are not repealed to the extent they continue to be applicable: Ordinances #4, 5, 6, 7, 8, 9, 10, 11, 52, 56, 77.
(1989 Code, § 8.02)

Mineral Point - General Regulations**§ 91.03 STREET AND SIDEWALK GRADES.**

(A) *Establishment.* The grade of all streets, alleys and sidewalks shall be established and described by the Council and shall be recorded by the City Clerk-Treasurer in his or her office. No street, alley or sidewalk shall be worked until the grade thereof is established.

(B) *Altering grade prohibited.* No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, unless authorized or instructed to do so by the Council.

(C) *Ordinances establishing street grades.* The following ordinances establish street grades and are not repealed by the enactment of this code: Ordinances #18, 150, 161.
(1989 Code, § 8.03) Penalty, see § 91.99

§ 91.04 PROTECTION OF STREETS.

No person shall operate on the public streets, alleys or sidewalks any vehicle which by reason of its weight or design is reasonably likely to damage the streets, alleys or sidewalks.
(1989 Code, § 8.04) Penalty, see § 91.99

§ 91.05 STREET EXCAVATIONS.

(A) *Permit required.* No person shall excavate in any street, alley or public ground without a permit therefor from the City Clerk-Treasurer. No fee shall be charged for this permit.

(B) *Application.* Application for such permit shall be made in writing on forms provided by the Clerk-Treasurer and shall specify the street or alley upon which the work is to be done; the reason for the excavation; the length of time the street or alley will be under repair; and a statement by the applicant that upon completion of the work the street or alley will be restored to its original condition. Whenever the pavement is opened, the spoil shall be hauled away and the trench shall be backfilled with sand or gravel and compacted in layers not to exceed 12 inches.

(C) *Protection of the public.* No permit shall be issued unless the method of construction and location of the work to be performed shall be such that the public safety and convenience will not be impaired. The person seeking the permit shall erect such barriers, warning lights and signs as to inform adequately the traveling public of the nature and location of the work being performed.
(1989 Code, § 8.05) Penalty, see § 91.99

(D) *November to April.* There shall be no excavation of city streets within the city from November 15 to April 15 without prior approval from the Street Crew Foreperson.
(Ord. 615, passed 2-1-2000; Am. Ord. 714, passed 11-6-2007)

§ 91.06 SIDEWALKS AND CURB AND GUTTER; CONSTRUCTION AND REPAIR.

(A) *Construction.* The city shall pay 50% of the cost of construction of new sidewalks and curb and gutter and shall assess the remainder of the cost against the abutting property.

(B) *Repair.* The city shall pay the entire cost of repair of sidewalks and curb and gutter.
(1989 Code, § 8.06)

§ 91.07 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 or she is the owner or occupant, except as provided in division (B) below.

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

- (1) Signs or clocks as permitted under Ch. 154, the Zoning Code;
- (2) Awnings as permitted under Ch. 154, the Zoning Code;
- (3) Public utility encroachments authorized by the city;
- (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided such goods, wares and the like do not remain thereon for more than 3 hours; or
- (5) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Street Foreperson. He or she may require such materials to be protected by barricades or appropriate lights.
(1989 Code, § 8.07) Penalty, see § 91.99

§ 91.08 SNOW AND ICE REMOVAL.

(A) *Removal; sprinkling with suitable substances.* The owner, occupant or person in charge of any building fronting upon or adjoining any street and the owners or person in charge of an unoccupied dwelling or lot fronting as aforesaid shall clean the sidewalk in front of or adjoining such building or unoccupied lot or dwelling, as the case may be, of snow and ice from the sidewalk, and cause the same to be kept clear from snow and ice within 24 hours of daylight after the snow or ice has ceased to fall or accumulate thereon; provided, 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, sawdust, salt, sand or other suitable substances within the time referred to. In construing this section; when the premises are

occupied, the occupant or person in charge shall be deemed the proper person whose duty it shall be to comply with the provisions hereof.

(B) Deposit within street curb lines. No person shall deposit snow from his or her property within the street curb lines, except when permitted by the Street Foreperson if, in his or her judgment, such removal will facilitate or not interfere with snow removal by the city.
(1989 Code, § 8.08)

(C) Assessment for snow and ice removal. If it is determined, in the judgment of the street crew for the city, that a sidewalk in front of a business or private residence located in the city has not been made adequately free of snow or ice so as to present a danger to pedestrians, the street crew, with any necessary equipment, shall remove the snow and ice at a minimum charge of \$50 to the business or private citizen, with an additional charge for \$50 per hour for the time necessary to remove the snow or ice.
(Ord. 506, passed 8-3-1993)
Penalty, see § 91.99

§ 91.09 MOVING BUILDINGS.

(A) Permit required. No person shall move any building along any street or alley within the city without a permit from the City Clerk-Treasurer, who shall issue the permit upon approval of the Street Foreperson.

(B) Notice to utilities. The Street Foreperson shall immediately notify any public utility whose lines or poles may be interfered with of the proposed moving. Such utility shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles.

(C) Bond required. Before issuing a permit hereunder, the Clerk-Treasurer shall require the applicant to deposit a bond in an amount approved by the City Attorney, conditioned that the applicant will pay any damages which may result as a result of the moving of the building for which the permit is obtained.
(1989 Code, § 8.09)

§ 91.10 STREET TREES.

(A) Planting. No person shall plant any tree, shrub or plant between his or her property line and the curb or traveled portion of the street abutting his or her premises without a permit from the City Forester under Wis. Stats. § 27.09.

(B) Tree care. Wis. Stats. § 27.09 shall apply and shall be administered by the City Forester under the supervision and direction of the Board of Park Commissioners.

(C) *Damage to trees and shrubs prohibited.* No person shall cut or damage any tree or shrub within a public right-of-way or on other public property without a permit therefor from the City Forester, approved by the Board of Park Commissioners.

(1) The owner of a lot or parcel of land adjacent to a public area who wishes to remove, prune, trim or cut trees in public areas adjacent to the owner's property shall contact the City Forester with the request. The City Forester shall review the request, and shall recommend to the Board of Park Commissioners approval or denial of the request, and shall also recommend, as warranted, attachment of reasonable conditions.

(2) The Board of Park Commissioners shall hear the owner's request and the recommendation of the City Forester, and may approve, modify or deny the request, based upon protection of the public interest and possible unreasonable hardships to the property owner.

(3) If permission is granted to remove a tree that is not diseased, high-risk or dead, the property owner shall pay:

(a) The full cost of removal (including stump grinding); and

(b) The full cost of purchasing and planting 1 replacement tree for every \$1,000, or portion thereof, of the value of the tree being removed. The species and location(s) of the replacement tree(s) shall be determined by the Board of Park Commissioners.

(4) Any person convicted of a violation of this section shall be subject to a forfeiture equal to 200% of the assessed value of the tree at the time of the most recent inventory.

(D) *Damage to utilities prohibited.* No person shall cut or trim any tree within the city which shall injure or endanger any utility wire or pole.

(E) *Dutch elm disease.* See § 92.30 of this code.
(1989 Code, § 8.10)

(F) *Overhead electric wires.* It is prohibited to plant trees that reach a maximum, mature height of greater than 18 feet underneath any overhead electric wires.

(1) The Street Foreperson shall maintain a list of appropriate trees that are permitted to be planted underneath overhead electric wires.

(2) The penalty provision of § 91.99 shall apply to any violation of this division (F).
(Am. Ord. 560, passed 11-6-1996)

(G) *Emergency procedures.* Trees severely damaged by storms or other causes, which pose an immediate threat to public safety, may be removed at the discretion of the City Forester, after consultation with the Board of Park Commissioners.

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(H) *Landscaping.* Street trees shall be required in each proposed subdivision or re-subdivision. Provisions in accordance therewith shall be made for 1 street tree per 50 feet of subdivision lot. The city shall select, space and plant the street trees. The developer shall pay to the city the cost of the street trees and planting prior to the issuance of any building permit.

(Am. Ord. 669, passed 12-7-2004)

Penalty, see § 91.99

§ 91.99 PENALTY.

Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in § 10.99 of this municipal code.

(1989 Code, § 8.11)