

CHAPTER 61

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CHAPTER 61

PUBLIC FACILITIES

SECTION 61.01 Director of Public Facilities.

The Director of Public Facilities shall be selected pursuant to Chapter 10 of this Code. The Director of Public Facilities shall:

- (a) Have general charge and supervision of all public works projects in the Village.
- (b) Be responsible for the maintenance, repair and construction of streets, alleys, curbs and gutters, sidewalks, bridges, street signs, storm sewers, culverts and drainage facilities, sanitary sewers, Village buildings and structures and all machinery, equipment and property used in any activity under his control.
- (c) Have charge of all public services.
- (d) Perform such other activities and duties as are imposed upon him from time to time by the Village Board.

SECTION 61.02 Scope of Village Authority.

- (a) **Authority to Build or Alter.** Without limitation because of enumeration, the Village Board may lay out, open, change, widen or extend roads, streets, alleys, sanitary and storm sewers, water mains, parks and other public grounds, and improve, repair or discontinue the same or any part thereof, including lighting and tree planting; may build, alter, repair or otherwise improve, vacate or discontinue sidewalks and crosswalks; and may build and maintain roads and sidewalks required to connect the Village with any transportation terminal or Village property outside of its limits.
- (b) **Authority to Tax.** For the purpose of maintaining or improving streets, making and improving sidewalks and crosswalks and setting out shade and ornamental trees in the Village, the Board may determine and fix an amount, and the amount fixed shall be levied, certified and collected according to law. All moneys so collected shall be paid to the Village Administrator/Clerk-Treasurer and expended under the direction of the Village Board.
- (c) **Authority to Assess.** In addition to other methods provided by law, the Village Board may by resolution provide that all or any part of the cost of installing or constructing any public work or improvement shall be charged in whole or in part to the property benefited thereby. The Village Board shall make an assessment against such property in the manner set forth in Section 66.0703, Wis. Stats. Such special assessment shall be a lien against the property from the date of levy.

SECTION 61.03 Street Construction and Repair.

- (a) **Definition.** For the purposes of this section, “street” is defined as a concrete or asphalt-paved way which has storm sewer, wastewater and water mains. The addition of any part or all of any of these elements shall be considered “construction” or “installation.” If a public way lacking any of these elements is paved or repaved, such paving shall be considered “construction” or “installation,” not maintenance.
- (b) **Property Owner and/or Developer to Pay for New Street Construction and Installation.** All or any part of the expense of street installation and construction as required by statute or resolution of the Village Board shall be assessed against the property benefited thereby. Such assessment shall be imposed pursuant to the method prescribed in Section 66.0703, Wis. Stats., and shall constitute a lien against the property from the date of the levy.
- (c) **Village to Pay for Street Maintenance.** The expense of street maintenance shall be borne by the Village itself and shall be reflected in that portion of the budget prepared and submitted by the Public Works and Utility Commission. However, the Village may, in addition, pursuant to Section 66.0627, Wis. Stats., impose special charges for all or any part of the cost of current services on the property benefited thereby, such services to include, without limitation because of enumeration, snow and ice removal, street sprinkling, paving, repair of curb and gutter and sewer service.

SECTION 61.04 Sidewalk Construction and Repair.

- (a) **Authority of Village Board with Respect to Sidewalk Construction and Repair.** The Village Board may from time to time by resolution determine where sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks. The standard so fixed may be different for different locations.
- (b) **Authority of the Public Works and Utility Commission with Respect to Sidewalk Construction and Repair.** The Public Works and Utility Commission may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Village Board.
- (c) **Village to Repair.** Sidewalks shall be kept in repair by and at the expense of the Village, or the Village Board may direct that a certain proportion of the cost of construction, reconstruction or repair be paid by the Village and the balance by abutting property owners. If abutting property owners are to pay for any sidewalk repair or construction, the Village shall follow the statutory special assessment process.
- (d) **Specifications.** All sidewalks within the Village hereafter shall be repaired, rebuilt and constructed in accordance with specifications as to subgrade, material, forms,

width, thickness, finishing, jointing, curing and drying as may be set by resolution of the Village Board following recommendation by the Director of Public Facilities.

- (e) **Permit Required.** No person shall lay, remove, replace or repair any public sidewalk within the Village unless he is under contract with the Village to do such work or has obtained a permit therefore from the Director of Public Facilities at least seven days before work is proposed to be undertaken.

SECTION 61.05 Driveways.

- (a) **Definitions.** As used in this section, the following terms shall have the meaning indicated:

- (1) **Alter.** To substantially upgrade, change or modify.
- (2) **Construct.** To build, fabricate or install.
- (3) **Enlarge.** To make larger or increase in size.
- (4) **Reconstruct.** To rebuild, refabricate or reinstall.

- (b) **Driveway Permit Required.**

- (1) **Purpose.** For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public streets within the Village. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.

- (2) **Permit Required to Construct, Reconstruct, Alter or Enlarge.** No person shall construct, reconstruct, alter, or enlarge any driveway within the limits of the right-of-way of any public street under the control and jurisdiction of the Village without first obtaining a driveway permit as provided by this section.

- (3) **Application Provisions.**

- a. Application for a driveway permit shall be made to the Building Inspector on a form provided by the Village and shall be accompanied by a site plan or drawing accurately depicting the proposed driveway and the dimensions thereof and a statement of the materials proposed to be used. Upon receipt of the application, the Building Inspector may approve such application if the proposed driveway complies with the terms and conditions of this section and other applicable Village ordinances and construction standards.

- b. The Building Inspector may require the applicant to provide the Village with an appropriate erosion control plan before a driveway permit will be issued. If an erosion control plan is required under Chapter 65 of this Code or by the Wisconsin Uniform Dwelling Code adopted by Section 31.04(b) of this Code, then such plan shall be filed and approved before a driveway permit will be issued. The

Building Inspector may issue a driveway permit in conjunction with a building permit.

- c. All driveway permit applications shall contain the applicant's statement that the applicant represents all parties in interest and that such proposed driveway is for the bona fide purpose of securing access to his or her property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the highway right-of-way or for any other purpose.
- d. The applicant, and his or her successors or assigns, shall assume all responsibility for injury or damage to persons or property resulting directly or indirectly from the construction, reconstruction, alteration, or enlargement of the driveway and shall agree to indemnify, defend, and hold harmless the Village, its officials, officers, agents, and employees against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

(4) **Restrictions.**

- a. The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs, or relocations within the public right-of-way at any time, including relocation, replacement, reconstruction, widening and maintaining the street, without compensating the owner of such driveway for the damage, destruction or lost use of such driveway.
- b. The Village does not assume any responsibility for the removal or clearance of snow, ice, sleet or the cleaning of any portion of a driveway within the public right-of-way.

(c) **Driveway Location, Design, and Construction Requirements.**

(1) **General Requirements.** The location, design and construction of a driveway shall be in accordance with the following conditions:

- a. **General Design.** Each driveway shall be of such width and so located that the driveway and its appurtenances are within the limits of the frontage abutting the street of the property served. A driveway shall not provide direct ingress or egress to or from any street intersection area encompassed by the extension of all right-of-way lines at such intersection and shall not encroach upon or occupy any area of the highway right-of-way required for effective traffic control, street signs, or signals. Each driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart, and driveways shall in all cases be placed wherever possible so as not to interfere with existing utilities. Curb openings shall be by approved saw cut method only. All portions of

- a driveway situated within a street right of way shall drain toward the street.
- b. **Number.** Only one driveway may serve a residentially zoned parcel. Commercially zoned parcels may have more than one driveway upon written approval by the Director of Public Facilities.
 - c. **Island Area.** The island area in the public right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall constitute a restricted area and may be filled and graded only as provided in this section.
 - d. **Drainage.** The surface of each driveway connecting with rural-type street cross sections without curb and gutter shall slope toward the highway shoulder. Downspouts shall be directed only to pervious surfaces.
 - e. **Slope.** The minimum driveway slope shall be 1% and the maximum driveway slope shall be 12% from the flowline of the curb to the threshold of the garage door.
 - f. **Reconstruction of Sidewalks and Curb and Gutter.** When the construction of a driveway requires the removal of a curb or gutter, the property owner shall replace the curb and/or gutter, and the new connections shall be of equivalent acceptable material and constructed in a manner consistent with the Village's construction standards. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. There shall be an expansion joint immediately adjacent to the curb. There shall also be an expansion joint between the driveway and the sidewalk where sidewalk exists. If no sidewalk exists, then a control joint/contraction joint shall be installed two feet behind curb. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.
 - g. **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - 1. The filling or grading shall be to a grade approved by the Village.
 - 2. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
 - 3. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to

separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Public Works and Utility Commission.

- h. **Relocation of Utilities.** The approval of the Director of Public Facilities is necessary before any utility may be relocated and a driveway installed. Any costs of relocating public utilities shall be the responsibility of the property owner.
 - i. **Construction Across Sidewalks.** All driveway entrances and approaches that are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction contained in this chapter and shall be at least five inches in thickness.
 - j. **New Driveway Construction.** When a new driveway is constructed as part of the construction of a new principal structure, a gravel construction driveway shall be initially installed in the location where the permanent driveway will be located. When directed by the Director of Public Facilities, a construction fence shall be installed on the property around the construction area.
- (2) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways serving commercial or industrial establishments:
- a. **Width of Drive.** No part of a driveway located within a public right-of-way shall, except as hereinafter provided, have a width greater than 30 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Director of Public Facilities in his or her discretion may permit a driveway of additional width.
 - b. **Angular Placement of Driveway.** The angle between the center line of the driveway and the curblines shall not be less than 45°.
 - c. **Island Areas.** Where the public sidewalk is adjacent to the curb, an island of a minimum length of six feet measured along the curblines shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of 10 feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curblines. A curb length of not less than three feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his or her property.

- (3) **Special Requirements for Residential Driveways.** The following regulations are applicable to driveways serving residential property:
- a. **Width of Driveways.** Openings for vehicular ingress and egress shall be at least 12 feet wide at the property line for residential properties, but shall not exceed 22 feet at the property line and 24 feet at the top of the curb opening.
 - b. **Angular Placement.** The center line of the drive shall be at right angles to the curbline.
- (d) **Prohibited driveways.**
- (1) No person may place, or cause to be placed, any obstruction or structure within the limits of any public road, highway or street in the Village except as permitted by this section.
 - (2) No curb opening shall be located closer to a property line than the side yard setback requirement for that property. Driveway surfaces on the property outside the public right-of-way shall be no closer than three feet to any side lot line.
 - (3) The grade of that portion of any driveway or pedestrian path located within the highway right-of-way shall meet the grade of the existing public roadway at its edge and shall not cause an obstruction to the maintenance or clearing of the public right-of-way.
 - (4) A driveway apron shall not extend out into the street further than the facing of the curb and shall not extend into any gutter area. Each driveway entrance and approach shall be constructed so as not to interfere with the drainage of streets, side ditches, roadside areas, or any existing structure on the public right-of-way
- (e) **Culvert Construction and Standards.** When the use of culverts is authorized or required by the Building Inspector in the driveway permit, such culverts shall comply with the following requirements:
- (1) **Size.** Each culvert shall be installed prior to construction work being commenced on the property served. Pipes shall be no smaller than 12 inches in diameter (or equivalent elliptical or archpipe) and shall be sized by a licensed professional engineer. All culverts shall be constructed of reinforced concrete and shall be made of new manufacture, unless specifically excepted by the Director of Public Facilities or Village Engineer. The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover (feet)	Class of Pipe
0 to 2	IV
More than 2	III
 - (2) **Drainage.** Each culvert shall be placed in the ditchline at an elevation that will assure proper drainage as determined by the Director of Public Facilities.

- (3) **Endwalls.** Each culvert shall be provided with a concrete apron endwall as directed by the Director of Public Facilities.
- (4) **Backfill Material.** Material used for backfill shall be of quantity acceptable to the Director of Public Facilities and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six inches.
- (5) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion or as directed by the Director of Public Facilities.
- (6) **Distance.** The distance between culverts under successive driveways shall not be less than 10 feet except as such restricted area is permitted to be filled pursuant to subsection (c).
- (7) **Cost.** The property owner shall install and maintain the culvert and be responsible for the cost thereof, including any future maintenance, repair or replacment. The property owner shall keep each culvert unobstructed and clean.

SECTION 61.06 Terrace Areas, Mailboxes and Street Numbers.

- (a) **Terrace Areas.**
 - (1) **Definition.** The term “terrace” shall be defined as the land between the edge of the pavement and the edge of the property line.
 - (2) **Noxious Weeds; Paving.** The terrace shall be kept free and clear of all noxious weeds and shall not be paved, surfaced, or covered with any material that shall prevent the growth of grass and shall be maintained as a lawn. Basketball backstops, statuary, structures, flagpoles, and other structures shall not be placed in the terrace area.
 - (3) **Responsibility to Maintain.** Every owner of land in the Village whose land abuts a terrace is responsible for maintaining the terrace, including lawn mowing, as provided in this section.
- (b) **Placement of Mailboxes.** Mailboxes are prohibited within the right-of-way of all streets in the Village except as hereinafter provided:
 - (1) Mailboxes shall be of a construction and design approved by the United States Postal Service.
 - (2) A nameplate bearing the name and address of the mailbox owner shall be on both sides of each box.
 - (3) The support for the mailbox shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.
 - (4) Mailboxes must be located on the side of the road required by the United States Postal Service so that the door or opening to the mailbox is at least

six inches behind the face of the curb, or if there is no curb at least one foot from the paved portion of the highway. The bottom of the mailbox shall be 42 inches above the gutter, or if no gutter exists, 42 inches above the paved portion of the highway.

- (5) This section is not intended to and shall not be construed to create any affirmative duty on the part of the Village to find and remove any obstructing mailbox. The Village is not liable for damage to any mailbox caused in the course of providing Village services, including, without limitation, snowplowing, street sweeping, and leaf pickup services.
- (c) **Street Numbers.** The owner, occupant or agent in charge of each building shall cause to be affixed and to be maintained to each principal building controlled by him or her, the official street number assigned to that building. If street numbers cannot be viewed from the street, the property owner shall install and maintain a sign at the intersection of the street and the driveway. The numbers shall be not less than four inches high. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street upon which the building abuts. The numbers shall be of a color that contrasts with their background.

SECTION 61.07 Sidewalk Ramps Required at Curbs.

- (a) **Location of Ramps.** The standard for construction of curbs and sidewalks on each side of any Village street or any connecting street or town road for which curbs and sidewalks have been prescribed by the Village Board shall be:
 - (1) Not less than two ramps per linear block which provide access to crosswalks at each intersection; or
 - (2) A single ramp so located at street corner radius to provide legal access to both crosswalks at each intersection.
- (b) **Existing Sidewalks.** Standards set for curb and sidewalk ramping under (a) above shall not apply to any curb or sidewalk existing prior to the enacting of this Code, but shall apply to all new curb and sidewalk construction and to all replacement curbs and sidewalks constructed at locations considered to be legal crosswalks and thereby give reasonable access to the crosswalk for handicapped persons, including persons in wheelchairs.
- (c) **Statutory Standards.** Curb ramps shall conform to the construction requirements established by Federal Law.

SECTION 61.08 Alteration of Street and Sidewalk Grades.

No person shall alter the grade of any street, alley, sidewalk or public ground in the Village of Cross Plains unless authorized or instructed to do so by the Village Board following recommendation of the Director of Public Facilities. All such approvals of

alterations of grade shall be recorded in the Village office by the Administrator/Clerk-Treasurer or the Director of Public Facilities.

SECTION 61.09 Street and Sidewalk Excavations.

(a) Application Requirements.

- (1) 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 Village of Cross Plains without first obtaining a permit from the Director of Public Facilities.
- (2) The fee for an excavation permit shall be as set by the Village Board.
- (3) Letter of Credit or Cash Deposit.
 - a. Before a permit for excavating or opening any street or public way may be issued, the applicant may be required to execute and deposit with the Administrator/Clerk-Treasurer an indemnity bond, as determined by the Director of Public Facilities on the basis of the extent of the excavation of at least \$1,000.00, conditioned that the applicant will:
 1. Indemnify and hold harmless the Village of Cross Plains and its officers from all liability for accidents and damage caused by any of the work covered by his permit.
 2. Fill up and place in good and safe condition all excavations and openings made in the street and replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it.
 3. Maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Facilities for a period of one year.
 4. Pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings adopted by the Village Board.
 5. Repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village.
 - b. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.
 - c. Recovery on such bond for any accident, injury, violation of law, ordinance, rule or regulation shall not exhaust the bond. The bond shall cover any and all accidents, injuries or violations during the period of excavation for which it is given.
 - d. An annual bond may be given under this section covering all excavation work done by the principal for one year beginning

January 1, which shall be conditioned as specified above and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

- (4) Prior to commencement of excavation work, a permittee shall furnish the Director of Public Facilities satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavation public liability insurance of not less than \$500,000 for one person and \$1,000,000 for one accident and property damage insurance of not less than \$500,000.

(b) **Excavation Requirements.**

- (1) For the protection of the public:
 - a. Every opening in the street or other public way shall be enclosed with sufficient barriers to prevent entry by a person of any size.
 - b. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees.
 - c. Amber lights shall be kept burning from sunset to sunrise, one amber light to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning.
 - d. Except by special permission from the Director of Public Facilities, no trench shall be excavated more than 100 feet in advance of pipelaying nor left unfilled more than 300 feet where pipe has been laid.
 - e. All necessary precautions shall be taken to guard the public from accidents or damage to persons or property through the period of work.
- (2) In opening any street or sidewalk, the paving materials, sand, gravel, earth and any other material moved or penetrated and all surface monuments or shrubs must be removed and replaced as nearly as possible in their original condition or position and then in same relation to the remainder as before. Any excavated material which in the opinion of the Director of Public Facilities is not suitable for refilling shall be replaced with approved backfill material. In refilling the opening, the earth must be laid in layers not more than six inches in depth and each layer compacted to prevent after-settling. No debris shall be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year.
- (3) After 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 Director of Public Facilities a situation exists which makes it absolutely essential that the excavation be made and a permit be issued.

- (4) No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Director of Public Facilities.
- (c) **Emergency Excavations Authorized.** In the event of an emergency any person owning or controlling any sewer, water main, conduit or utility in or under any street 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 as herein provided.
- (d) **Village Work Excluded.** The provisions of this section shall not apply to excavation work performed under the direction of the Director of Public Facilities by Village employees or contractors under contract with the Village.

SECTION 61.10 Maps, Records and Street Names.

- (a) **Previously Named Streets.** The streets in the Village of Cross Plains shall bear the names ascribed to them by the original plats of the Village, which are on file in the office of the Register of Deeds for the Dane County, as they have been amended or corrected, and as they appear in the respective official atlases issued by Dane County.
- (b) **Records.** It shall be the duty of the Village Administrator/Clerk-Treasurer to maintain a complete file of:
 - (1) Plats upon which is indicated the present name of all streets.
 - (2) All existing maps and records pertaining to existing developments, and for all plats accepted after the enactment of this chapter a complete set of maps or engineers' drawings showing the grades, dimensions, and conditions of all streets, alleys, sidewalks and gutters and the location of all sewers and water mains and laterals, fire hydrants, storm sewers, streetlights, electric and telephone poles and lines, cable television lines, gas lines, all underground utility systems and any other street structures.
- (c) **New Streets.** New streets shall be named as set forth in Section 83.77 of this Code.

SECTION 61.11 Use of Streets, Alleys and Sidewalks for Nontransit Purposes.

- (a) **Permits Required and Prohibited Uses.** A permit for the nontransit use of streets, alleys, sidewalks or other public ways shall be required and may be granted by the Director of Public Facilities following recommendation of the Chief of Police, as applicable, for the purpose of:

- (1) Moving any building or structure; or
 - (2) Encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure.
 - (3) Basketball backboards that abut or are in the street right of way are prohibited.
- (b) **Letter of Credit Required.** No permit shall be issued for the purposes listed in Subsection (a) until the applicant executes and files with the Village Administrator/Clerk-Treasurer a letter of credit in an amount determined by the Village Administrator/Clerk-Treasurer to ensure that the applicant will:
- (1) Indemnify and hold harmless the Village of Cross Plains from all liability for accidents or damage caused by reason of operations under said permit;
 - (2) Remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition; and
 - (3) Repair any and all damage to the streets, alleys, sidewalks or public property of the Village resulting from such building or moving operations.
- (c) **Fee.** The fee for a permit shall be as set by Resolution of the Village Board.
- (d) **Conditions of Permit.** When the permit is issued in connection with the erection, alteration, repair, removal or moving of a building or structure, it shall be given upon the following terms and conditions and shall be subject to revocation without notice by the Village Board for violation thereof:
- (1) Such temporary obstruction shall cover not more than 1/3 of any street or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted; temporary sidewalks of not less than four feet in width guarded by a closed fence at least four feet high on both sides shall be maintained during the period of occupancy if the regular sidewalk is obstructed.
 - (4) The process of moving any building or structure shall be as continuous as practicable until completed, and, if ordered by the Village Board, shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight so near a street crossing or intersection as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the Director of Public Facilities.
- (e) **Termination.**
- (1) All permits issued for purposes listed in subsection (a)(1) shall be issued for a one-week period.
 - (2) All permits issued for purposes listed in subsection (a)(2) 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 Director of Public Facilities.

SECTION 61.12 Alteration and Vacation of Streets and Alleys.

- (a) **Alteration of Streets and Roads.** For the purpose of this section, the narrowing, widening, extending or other alteration of any road, street, lane or alley does not constitute a discontinuance of any part of the former road, street, lane or alley, including the right-of-way therefore, which is included within the right-of-way for the new road, street, lane or alley.
- (d) **Government Property.** Whenever any of the lots or lands aforesaid is owned by the state, county or Village, or by a minor or incompetent person, or the title thereof is held in trust, as to all lots and lands so owned or held, petitions for discontinuance or objections to discontinuance may be signed by the Governor, Chairman of the Board of Supervisors of the County, Village President, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent.
- (e) **Abandonment of Alleys.** The Village Board may by resolution discontinue any alley or any portion thereof which has been abandoned at any time after the expiration of five years from the date of the recording of the plat by which it was dedicated. Failure or neglect to work or use any alley or any portion thereof for a period of five years next preceding the date of notice provided for in Subsection (f) shall be deemed an abandonment for purpose of this section.
- (f) **Notice of Discontinuance.** Notice stating when and where the petition or resolution will be acted upon and stating what road, street, lane or alley, or part thereof, is proposed to be discontinued shall be published as a Class 3 notice under Ch. 985, Wis. Stats.
- (g) **Recording Notice.** Every person who makes an application to the Village Board for laying out, widening, vacating or extending any street, lane or alley shall, at or prior to the time of filing the same, file a notice of the pendency of such application, containing his name and a brief statement of the object thereof and a map and description of the land to be affected thereby, in the office of the Register of Deeds of Dane County. Neglect to comply with these provisions shall render all proceedings based upon such application void.
- (h) **Recording Final Resolution.** No final resolution or order taking or affecting such land, based upon any application therefore, shall have any effect or be notice to any subsequent purchaser or encumbrancer unless a certified copy thereof, giving a full and accurate description of the land affected thereby and accompanied by a map showing the location thereof, is recorded in the office of the Register of Deeds of Dane County. A resolution whereby any land shall be taken or affected without an application having been made therefore shall have no effect and shall not be notice to any subsequent purchaser or encumbrancer unless such resolution or order is recorded.
- (i) **Village Property.** Parts of a plat dedicated to and accepted by the Village Board for public use may be altered or vacated pursuant to Section 236.43, Wis. Stats.

SECTION 61.13 Enforcement; Violations and Penalties.

- (a) **Complaint.** Upon the complaint of the Director of Public Facilities or whenever complaint is made by anyone to the Village President, a law enforcement officer or the Director of Public Facilities that a section of this chapter has been violated, the Director of Public Facilities shall forthwith inspect the conduct or condition complained of and order compliance and may also have Village law enforcement officers issue a citation as set forth in subsection (b).
- (b) **Citations for Violations of this Chapter.** Village of Cross Plains law enforcement officers are authorized to issue citations for violation of this chapter. The citations shall conform to the requirements of Section 1.06 of this Code.
- (c) **Penalty.** Any person, firm, or corporation violating any provision of this chapter shall forfeit a sum pursuant to section 1.06 of this Code.
- (d) **Repeating Offenders.** If any person, firm, or corporation shall be convicted of violation of this chapter or forfeit a cash deposit due to alleged violation of this chapter less than one year after a conviction or forfeiture based on a violation of any section of this chapter, this shall be grounds for doubling the value of the citation.
- (e) **Other Methods not Excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village of Cross Plains or its officials in accordance with the laws of the State of Wisconsin.
- (f) **Each Day a Separate Offense.** Each day of a continuing violation constitutes a separate offense.

SECTION 61.14 Variances

Any of the requirements of this Chapter may be varied by the Village Board following recommendation of the Director of Public Facilities in such instances where the peculiar nature of the property or the design of the street make rigid adherence to the above requirements impossible or impractical.

SECTION 61.15 Enforcement

Any person who violates any provisions of this chapter shall be subject to a penalty as provided in sec. 1.09 of this Code.

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