

CHAPTER 8
PUBLIC WORKS

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8.01 CONSTRUCTION OF TOWN HIGHWAYS.

(1) PROFILES. The subdivider or owner desiring acceptance of a Town highway shall first submit profiles and obtain approval of the established grades on all of the proposed highways before proceeding with any grading operations. The Town Board shall determine the maximum and minimum grades established and the maximum and minimum slope in any cut or cuts to be made in connection with the construction of any Town highway and the type, character and amount of fill necessary for the construction of any such highway before any grading operations shall be commenced.

(2) CULVERTS AND DRIVEWAYS. (a) All land adjacent to any public street shall have access to the public street by a driveway, which shall be constructed with suitable drainage pipe located in the drainage ditch or drainage area adjacent to such public street where the driveway crosses the drainage. The location of such driveway, size and type of construction of the drainage pipe to be provided and location thereof shall be approved by the Director of Public Works, as to Town roads, the county road superintendent as to county highways and the proper State agency as to State highways and written proof shall be provided to the Building Inspector that the proposed location of the driveway, the size and type of drainage pipe to be installed thereunder in the drainage ditch or other drainage area has been approved by the appropriate official stated above. No work shall be done on the premises for which a building permit is issued until a culvert has been installed and approved in the driveway access to the property as provided in this subsection."

(b) When any drainage pipe to a Town, County or State highway under any private driveway is in need of replacement or repair, written notice thereof shall be given to the property owner involved by the Director of Public Works and such notice shall indicate that the property owner shall have 30 days to replace the drain pipe or repair the same as directed by the notice. Any replacement of the drain pipe shall be of the same type and size as the replaced pipe and shall be approved by the Director of Public Works before installation and he

shall also approve any repair to the drainage pipe as directed by such notice. The total cost of such replacement or repair shall be paid by the property owner.

(c) If the property owner fails to replace such drainage pipe or repair the same as directed by the notice from the Road Superintendent within 30 days from the date of mailing of such notice to the property owner, the Town may then proceed to have such work done and bill the total cost and expense thereof to the property owner. If the property owner fails to make payment of the billing for such work within 30 days from the date that such bill is mailed to him, the same may then be placed on the next succeeding tax roll of the Town as a special assessment against the property, together with interest thereon at a rate of 1% per month from the date of such installation or repair by the Town, and such special assessment, together with interest, shall be collected the same as other taxes assessed against such property are collected.

(3) WIDTH. The right-of-way of all service roads or frontage roads may be reduced by the Town Board to 60'. The right-of-way width of all main Town roads containing curb and gutter and storm sewer shall be 60' and the right-of-way width of all other main Town roads shall be 66'.

(4) CENTER OF ROAD. The center of the roadbed is to be the center of the land dedicated for highway purposes.

(5) SURFACE. All Town highways shall be graded and surfaced in accordance with the specifications and cross section layout on file in the office of the Town Clerk.

(6) CUL-DE-SACS. On dead-end roads, a turnaround or cul-de-sac of not less than 120' in diameter shall be provided. The same shall be surfaced in the same manner required for Town highways.

(7) SLOPES, DITCHES AND SHOULDERS. Slopes shall be seeded before the road is accepted. All slopes, ditches, roadway, and shoulders shall be placed in such a manner as the Town Board and the Town Engineer shall direct to prevent washing out of the same. The shoulder shall be 3' wide on each side of the paved portion of the highway or such other width as the Town Board determines. If the grade of any proposed highway shall be such that it may be subject to washing out by rainfall or surface water drainage, in the opinion of the Town Board and Town Engineer, the Town Board may require gutters and side slopes be rip-rapped, or in lieu of rip-rapping, the Town Board may require bituminous treatment of such gutters, side slopes, roadway and shoulders to a sufficient thickness satisfactory to the Town Board and the Town Engineer to prevent such washing out.

(8) BOND. The Town Board may also require a bond from the developers in an amount to be determined by the Town Board to guarantee that the developer pay all costs and expenses for the maintenance of such road, gutters, side slopes and shoulders thereof for a period of one year from the date of the acceptance of such Town road by the Town Board, or such period as the Town Board may determine owing to special circumstances.

8.02 CONSTRUCTION OF SIDEWALK, CURB AND GUTTER. All concrete sidewalks, curb, and gutter shall be constructed and installed in accordance with the specifications on file in the office of the Town Clerk.

8.03 CONSTRUCTION OF STORM SEWERS. (1) All storm sewers shall be constructed and installed in accordance with the plans and specifications approved by the Storm Water Maintenance Plan Implementation Committee (SMPIC) and Town Board.

(2) APPROVED PLANS REQUIRED. No storm sewer or drainage ditching shall be installed on private property within the Town by the owner thereof or any person having an interest in such property until the plans and specifications for the installation of such storm sewer or drainage ditching have been submitted to and approved by the Stormwater Management Plan Implementation Committee (SMPIC) and Town Board. The property owner or other person making such installation shall reimburse the Town for its costs and expenses for inspection of such storm sewer or drainage ditching by the Town Engineer. Payment thereof shall be made to the Town Clerk within 30 days from the date of billing and if such payment is not made within the time provided, the total charge may be placed on the tax roll as a special assessment against the property involved to be collected with interest thereon in the same manner as real estate taxes on such property are collected.

(3) OWNER SHALL GRANT EASEMENT. The owner of the property upon which the storm sewer or drainage ditching is constructed shall, upon demand of the Town, grant an easement to the Town for the area where the storm sewer or drainage ditching is located at the request of the Town Board. The Town Engineer thereof shall determine the legal description and the area and width of such easement.

(4) CONVEYANCE TO TOWN. After the installation of the storm sewer or drainage ditching has been approved by the Town Engineer, the owner of the property where such storm sewer or drainage ditching is located shall, upon demand of the Town, convey to the Town all right, title and interest of the owner in such storm sewer or drainage ditching at no cost to the Town. Until such conveyance of the storm sewer or drainage ditching is made by the owner to the Town, the owner shall be

completely responsible for the maintenance and upkeep of such storm sewer or drainage ditching. The owner of the real estate shall pay all costs and expenses incident to the installation and construction of such storm sewer or drainage ditching on the property.

8.04 OPENINGS IN STREETS AND HIGHWAYS.

(1) PERMIT. No person shall excavate or open any public street or highway within the Town, or cause the same to be done, without first obtaining a permit therefor from the Town. There shall be two (2) types of permits:

(a) For installation generally paralleling or crossing a public street right-of-way, including service laterals that enter or cross the traveled portion of any public street, application shall be made in writing and filed with the Town Clerk for consideration by the Town Board. The Building Inspector shall be paid a fee for inspection of service laterals entering the traveled portion or crossing any public street right-of-way by the Town as determined by the Town Board.

(b) For installations of service laterals not entering or crossing the traveled portion of any public street, application shall be made to the Building Inspector.

(2) FEES. Fees in amounts as determined by resolution of the Town Board shall be charged for the respective permits in sub. (1), above and shall be deposited by the applicant with the Town Clerk at the time the application for such permit is made. Fees in amounts as determined by resolution of the Town Board shall be charged for the respective permits in sub. (1) and shall be deposited by the applicant with the Building Inspector at the time application for such permits are made.

(3) FORM OF APPLICATION. Every application for a permit shall describe the streets or highways upon which the proposed openings or excavations are to be made and shall locate the proposed openings or excavations on such streets or highways. The application shall further show the length, width, and depth of the proposed openings or excavations in the public streets or highways and shall state the purpose for which such openings or excavations are made. An application shall also give the following information and other such information as may be required:

1. The name of the applicant.
2. The address of the applicant.
3. The estimated date of commencement of work.
4. Signature of applicant or authorized representative agreeing to conform to all the provisions, rules and regulations of the Town pertaining to the work or purpose for which the permit is requested.

(4) TOWN WORK EXCLUDED. The provisions of this section shall not apply to excavation work under the direction of the Town employees or contractors performing work under contract with the Town necessitating openings or excavations in streets or other public ways, which openings or excavations shall be regulated by contract between the Town and contractor.

(5) EMERGENCY EXCAVATION AUTHORIZED. In the event of an emergency, any person controlling any sewer, water main, conduit or other utility in or under any street and his agents or employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining a permit as provided herein, provided that such person shall apply for a permit required under this section no later than the end of the next succeeding business day and shall not make any permanent surface repairs without first obtaining a permit pursuant to the provisions herein.

(6) CONDITIONS OF PERMIT. Any permit issued by the Town under this section is subject to the following terms and conditions:

(a) TUNNELING BORING. All excavations in the paved portion of any street or highway in the Town shall be done by tunneling or boring methods so that the paved portion of any street or highway will not be disturbed. For purposes of this provision, a paved street or highway shall include concrete pavement, bituminous surfacing and any other street or highway upon which permanent surfacing exists. If the Town Board determines that any unusual condition exists which would make it impracticable to excavate by tunneling or boring methods at any location upon any public street or highway within the Town, the Board may waive the requirement for tunneling or boring at such location. All excavation material from tunneling or trenching adjacent to the paved portion of any street, highway or otherwise shall be placed where it will cause a minimal inconvenience to the public.

(b) MAINTENANCE OF STREETS AFTER COMPLETION. Any person obtaining a permit as herein provided shall be required to maintain and repair that portion of any public highway or street in the Town whereon such excavation or opening is made for a period of one year from the date that excavation or opening is closed, except that such time may be extended by the Town Board if the excavation or opening has not become stabilized within the period of one year from the date of the opening, and shall keep and maintain the highway or public street whereon the opening is made in the same condition as the remainder of the highway or public street whereon such opening is made. If such repairs are not made as herein provided,

the Town Board shall order the same made by the person obtaining a permit upon 5 days written notice. If such repairs are not made as ", herein provided, the Town Board shall cause the repairs to be made and charge the expense thereof to the person obtaining the permit.

(c) PROTECTION OF THE PUBLIC. Every person opening any public street or highway within the Town will barricade the same in accordance with the applicable portion of the current "Wisconsin Manual of Traffic Control Devices". All reasonable and necessary precautions shall be taken to protect the public from accident or damage to persons or property from the beginning to the end of the work. The person obtaining the permit will be held responsible for all damages that may result from his negligence in opening the public street or highway and in performing the work incidental thereto, including any claims for damages resulting from his or its negligence in failing to maintain the disturbed portion of the public street or highway for a period of one year from the date the opening is closed, except that such time may be extended by the Town Board if the excavation or opening has not become stabilized within one year from the date of the opening to the satisfaction of the Town Board. The person obtaining the permit shall also be liable to the Town for its cost and expenses in defending any action brought against it for damages and costs of any appeal resulting therefrom, including any claim for damage that may result to the Town by reason of failure to keep the public street or highway in repair as herein provided. The person obtaining the permit shall not be liable or otherwise responsible for indemnifying, protecting or holding the Town harmless from and against its own acts or omissions and the consequence thereof.

(d) Before a permit is granted, the applicant shall execute to the Town and deliver to the Town Clerk at the time the application is filed, a bond of undertaking in the sum the Town Board determines, with surety to be approved by the Town Board, conditioned that he will perform faithfully all work with due care and skill in accordance with the terms and conditions of this section, will faithfully perform and abide by all the terms and conditions of this section and save the Town harmless from liability for all damages, costs, expenses and claims of any nature or kind arising out of unskillfulness or negligence in connection with causing the excavation or opening to be made in any public highway or street in the Town in accordance with the permit granted by the Board. Such bond or undertaking shall remain in force and effect until released by the Board. No bond of undertaking shall be required from any municipal or public utility.

8.05 SPECIAL ASSESSMENTS. (1) Whenever the Town Board determines that any public work or improvement or any current service shall be financed in whole or in part by special assessments, the provisions of §66.60, Wis. Stats., shall apply, except the Town Board may adopt and publish a final resolution during or after the completion of the work, service or improvement. Such resolution shall contain a statement of the final cost of the work, service, or improvement. Such resolution shall also specify the amount of assessments, when such assessments will be levied, number of annual installments, if any, in which the assessments may be paid, rate of interest to be charged on the unpaid balance and terms on which any of the assessments may be deferred while no use of the improvement is made in connection with the property.

(2) The Town Board shall levy assessments at a uniform rate for any single class of property with such rate to be applied either on the full frontage of the property along the abutting public street except for comer lots, in which case the lot will be assessed by adding the 2 sides and dividing by 2. For a parcel of undeveloped land at a comer which has area for more than one lot, a comer lot assessment will be computed for a theoretical lot at the comer which complies with the zoning of the land and the remainder of the frontage will be assessed the full amount.

(3) The Town Board may choose to assess on a uniform basis other than a front foot basis for parcels around cul-de-sacs, curved streets, or other irregular circumstances.

(4) When water works or improvements include transmission lines that pass along lots containing a residence serviced by a safe private well and such service was not requested by that property owner, any assessment to the property would be deferred without interest until that property owner chose to connect to the system.

8.06 SIDEWALK MAINTENANCE AND REPAIR. The owner, occupant or person in charge of each dwelling or building, occupied or unoccupied, or lot in the Town fronting upon or adjoining any street shall when required by the Town Board, install and construct a sidewalk in conformance with the Town's specifications. The owner, occupant or person in charge of each dwelling or building, occupied or unoccupied, or lot frontage containing a sidewalk shall keep the sidewalk clean and free from all dirt, rubbish, encumbrance or obstruction, including snow and ice. If the dirt, rubbish, encumbrance or snow and ice are not removed, the Town Board, Chief of Police or Building Inspector shall cause the same to be cleaned or removed and cost of such removal placed upon the tax bill as a special assessment.

8.07 DEPOSITING OF SNOW ON PUBLIC RIGHT-OF-WAYS. (Recreated: 03/06/2001) (1) **DEPOSITING SNOW IN PUBLIC RIGHT OF WAY PROHIBITED.** No person shall remove or cause to be removed any snow or ice from a premises owned or occupied by that person or from any residence, parking lot, parking area, filling station, business property or other property owned or occupied by said person by placing said snow onto the traveled portion of any public right-of-way, including paths and walkways. Snow or ice removed from said public right-of-ways, shall not be stored in any manner that will obstruct or limit vehicular or pedestrian vision, movement or access, or in any way make said right-of-ways unsafe.

(2) **DEPOSITING SNOW OR ICE IN PUBLIC RIGHT-OF-WAY DECLARED A NUISANCE.** No person shall deposit any snow or ice upon the traveled portion of any sidewalk, alley, road, or street of the Town of Brookfield contrary to the provisions of this chapter. The depositing of snow or ice upon said Town right-of-way is hereby declared a nuisance. The Town of Brookfield Police Department shall be empowered to issue citations for this violation.

(3) **PENALTY.** Penalties for violations within a calendar year shall be:

FIRST OFFENSE	\$75.00
SECOND OFFENSE	\$150.00
THIRD OFFENSE	\$300.00

(a) In addition to the penalties provided for the violation of this section, the Town of Brookfield may summarily remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner of the property from which the said snow or ice has been removed and upon failure to pay the same said may be charged as a special assessment upon the tax bill to the owner of the property from which the snow or ice removal was necessitated.

(4) **SIDEWALKS TO BE KEPT CLEAN.** (a) **SNOW TO BE REMOVED WITHIN 24 HOURS.** The owner and occupant of any lot or parcel in the Town abutting upon a public sidewalk shall, within 24 hours after the cessation of any storm during which snow has fallen, remove or cause to be removed from the portion of such sidewalk abutting his property all snow and ice which accumulated thereon.

(b) **NOTICE GIVEN - FAILURE TO REMOVE.** If any such owner and occupant fails to remove or cause to be removed such accumulated snow and ice within the 24-hour period, the Town of Brookfield Police Department shall give written notice to said owner or occupant to remedy the situation which shall be served personally or posted at the premise. Said notice shall specifically

state that the period within which the action must be taken is 24 hours from the time of notice.

(c) **SPECIAL ASSESSMENT - FAILURE TO COMPLY.** If the owner and occupant refuses or neglects to follow the order of the Town, the Town may remedy the situation and shall report the full cost thereof to the Town Clerk who shall thereupon bill such cost against the property owner and, if not paid, shall charge (plus interest at 1 1/2% per month) the owner by special assessment to the property.

(5) **FIRE HYDRANT TO REMAIN UNOBSTRUCTED.** No person shall interfere with the accessibility to a fire hydrant by piling or dumping materials (including snow or ice) near it without first obtaining permission from the Fire Chief. The material piled or dumped near the hydrant includes snow and ice removed from private property. Every day, during which such interference continues, constitutes a separate offense.

8.15 PENALTY. Except as otherwise provided, any person who shall violate any of the provisions of this chapter, upon conviction thereof, shall be subject to a penalty as provided in §25.04 of this General Code.