

CHAPTER 10

GENERAL REGULATIONS ON LANDS, STREETS AND RIGHT-OF-WAYS

10.01	<u>MINIMUM STREET AND SIDEWALK REQUIREMENTS</u>	1
	(1) SPECIFICATIONS AND ACCEPTANCE.....	1
	(2) CLEAR TITLE.....	1
	(3) ADDITIONAL REQUIREMENTS.....	1
	(4) STREET SIGNS AND POSTS.....	1
10.02	<u>SEEDING AND SODDING OF RIGHT-OF-WAYS</u>	1
	(1) SPECIFICATIONS AND ACCEPTANCE.....	1
	(2) ADDITIONAL REQUIREMENTS.....	1
10.03	<u>USE OF HIGHWAY AND STREET RIGHT-OF-WAYS</u>	1
	(1) CITY COMMON COUNCIL PERMISSION.....	1
	(2) USE OF CERTAIN PUBLIC RIGHT-OF-WAYS.....	1
	(3) PENALTIES.....	1
10.04	<u>UNIFORM ADDRESS SYSTEM AND STREET NAMES</u>	2
	(1) WAUKESHA COUNTY UNIFORM ADDRESS SYSTEM.....	2
	(2) ESTABLISHMENT OF UNIFORM SYSTEM OF NUMBERING.....	2
	(3) BASE LINES.....	2
	(4) INVISIBLE RECTANGLUAR BLOCKS.....	2
	(5) ASSIGNMENT OF NUMBERS.....	3
	(6) DETERMINATION OF PROPER NUMBER.....	3
	(7) STREET NAMES.....	3
	(8) RECORD OF ADDRESSES.....	4
	(9) INSTALLATION OF NUMBERS.....	4
	(10) PROCUREMENT OF NUMBERS.....	4
	(11) FAILURE TO ATTACH AND MAINTAIN NUMBERS.....	4
10.05	<u>OPENINGS IN STREETS AND HIGHWAYS</u>	4
	(1) REGULATION.....	4
	(2) PERMIT.....	5
	(3) DIGGING TRENCHES.....	5
	(4) BACKFILL MATERIAL.....	6
	(5) MAINTENANCE OF STREET AFTER COMPLETION.....	6
	(6) PROTECTION OF THE PUBLIC.....	6
	(7) BOND.....	6
	(8) RESTORATION SPECIFICATIONS.....	6
	(9) TELEPHONE, ELECTRIC AND GAS UTILITIES.....	6
	(10) PENALTIES.....	6
10.06	<u>CITY OF PEWAUKEE OFFICIAL MAP</u>	7
	(1) INTENT.....	7
	(2) AUTHORITY.....	7
	(3) JURISDICTION.....	7

(4) CITY OFFICIAL MAP.....	7
(5) CHANGES AND ADDITIONS.....	7
(6) BUILDING PERMITS.....	7
(7) UTILITY IMPROVEMENTS.....	8
(8) APPEALS.....	8
(9) CERTIFICATION.....	8
(10) FILING WITH THE COUNTY REGISTER OF DEEDS.....	8
(11) ENFORCEMENT.....	8
(12) PENALTIES.....	8
10.07 <u>CULVERT REGULATION</u>	8
(1) CULVERT INSTALLATION.....	8
(2) COST OF CULVERT INSTALLATION.....	8
(3) PROHIBITED CULVERT INSTALLATION.....	9
(4) CONTINUING RESPONSIBILITY FOR CULVERT.....	9
(5) HIGHWAY SUPERINTENDENT TO MONITOR.....	9
(6) PENALTY.....	9
10.08 REPEALED, ORD. #06-01	
10.09 <u>DEPOSIT OF SNOW IN STREETS OR RIGHT-OF-WAYS</u>	9
10.10 <u>SEWER WATER AND PUBLIC IMPROVEMENT OVERSIZING AND EXTENSIONS</u>	9
(1) DEVELOPER TO FINANCE FACILITY EXTENSIONS.....	9
(2) CITY TO SPECIAL ASSESS BENEFITS WITH CERTAIN DEFERMENTS.....	10
(3) REPAYMENT OF DEVELOPER/LANDOWNER FINANCING BY SPECIAL ASSESSMENT.....	11
(4) THIS ORDINANCE NOT AFFECTING CONSTRUCTION REQUIRED WITHIN DEVELOPMENT.....	11
(5) USE OF FACILITIES.....	11
(6) WARRANTIES.....	11
10.11 <u>LAWN FERTILIZER APPLICATION CONTROL</u>	11
(1) RESTRICTIONS ON FERTILIZER CONTENT.....	11
(2) REGULATION OF APPLICATION.....	12
(3) BUFFER ZONE.....	12
(4) PENALTIES.....	12
10.12 <u>REGULATION OF GATES IN PRIVATE ROADS</u>	12
10.15 <u>PENALTY</u>	12

10.01 MINIMUM STREET AND SIDEWALK REQUIREMENTS.

(1) SPECIFICATIONS AND ACCEPTANCE. The City Common Council shall establish by separate resolution, from time to time, the minimum requirements in the City for street and sidewalk construction. Before any street or sidewalk is accepted by the City it shall meet those requirements and thereupon will be accepted by the City Common Council by separate resolution. The requirements so adopted are incorporated into this Code and shall be available from the City Clerk.

(2) CLEAR TITLE. Before a street shall be accepted by the Town, owner shall furnish to the City evidence of clear title and proof that all costs of construction have been paid.

(3) ADDITIONAL REQUIREMENTS. Any requirements for City streets that are contained in Chapter 18 of this Code entitled LAND DIVISION AND PLATTING are incorporated herein.

(4) STREET SIGNS AND POSTS. Street signs, culvert posts and guardrail, as required by the City Common Council, shall be obtained and placed by the Town. The costs of which shall be paid for by owner making such dedication.

10.02 SEEDING AND SODDING OF RIGHT-OF-WAYS.

(1) SPECIFICATIONS AND ACCEPTANCE. The City Common Council shall establish by separate resolution, from time to time, the minimum requirements for seeding and sodding in the City for all shoulders, slopes, ditches or other designated locations. Before any shoulder, slope, ditch or project is accepted by the City Common Council it shall meet those requirements and thereupon may be accepted by the City Common Council by separate resolution. The requirements so adopted are incorporated into this Code and shall be available from the City Clerk.

(2) ADDITIONAL REQUIREMENTS. Any additional requirements for shoulders, ditches, and slopes that are contained in Chapter 18 of this Code entitled LAND DIVISION AND PLATTING are incorporated herein.

10.03 USE OF HIGHWAY AND STREET RIGHT-OF-WAYS.

(1) CITY COMMON COUNCIL PERMISSION. No person shall use the highway and street right-of-ways for any purpose whatsoever without permission from the City Common Council.

(2) USE OF CERTAIN PUBLIC RIGHT-OF-WAYS. No person shall use any public street or highway right-of-way within 600 feet of the shore of Pewaukee Lake or any of its inlets or tributaries for any of the following uses unless specifically approved and posted for such by the City Common Council.

(a) Parking of motorized vehicles;

(b) Shore-docking, beaching, parking or tie-up of water use vehicles such as boats, pontoons, ski-boats, snowmobiles, and all-terrain vehicles;

(c) Disposal or depositing of solid, liquid, yard, or human waste;

(d) Cleaning or gutting of fish;

(e) Depositing of minnows or other bait;

(f) Camping, tenting, picnicking, swimming, sunbathing, cooking or setting of fires of any kinds;

(g) Construction of docks, signs, and other like temporary or permanent structures;

(h) Fishing, standing, sitting, laying or generally congregating after sunset or before sunrise of any day;

(i) As access to the lake by motorized vehicles of any kind, or by boats or other lake-use vehicles.

(3) PENALTIES. Any person, firm or corporation found to have violated any part of this ordinance

shall be subject to a fine of not less than \$100 nor more than \$1,000 for each violation, with each day constituting a separate violation beginning with the day of notification of such violation.

10.04 UNIFORM ADDRESS SYSTEM AND STREET NAMES.

(1) WAUKESHA COUNTY UNIFORM ADDRESS SYSTEM. The uniform address system of the City of Pewaukee shall be based on and become a part of a uniform address system for Waukesha County, as recommended by the County Board on March 12, 1957. All provisions herein relating to the establishment of a uniform address system for the county are hereby approved, and such provisions as are applicable to the City of Pewaukee, as more specifically set forth in the following Sections, are hereby adopted by the Common Council of the City of Pewaukee.

(2) ESTABLISHMENT OF UNIFORM SYSTEM OF NUMBERING. There is hereby established a uniform system of numbering properties fronting on all streets, highways and right-of-way in the City of Pewaukee, and all existing residences and places of business and all residences and places of business which are hereafter constructed shall be numbered in accordance with the provisions of this Section.

(3) BASE LINES

(a) Base lines, as recommended for a uniform county address system, shall be used for determining the numbering in the City of Pewaukee. The east-west line, as recommended, shall be used for numbering along all streets running north and south. This base line shall be a continuation of the east-west base line used in Milwaukee County and shall be the north or top line of sections 31 to 36 inclusive in Brookfield, Pewaukee, Delafield and Summit. Its numerical designation shall be "1". A north-south base line, as recommended, shall be used for numbering along all streets running in a westerly direction. This base line shall be the eastern boundary of Waukesha County, and its numerical designation shall be "124".

(b) Each property north of the east-west base line and facing a street running in a northerly direction shall carry an address indicating its position west of the north-south base line and its position north of the east-west baseline.

(c) Each property south of the east-west base line and facing a street running in a southerly direction shall carry an address indicating its position west of the north-south base line and its position south of the east-west base line.

(d) Each property west of the north-south base line and facing a street running in a westerly direction shall carry an address indicating its position either north or south of the east-west base line and its position west of the north-south base line.

(e) Properties on diagonal or curvilinear streets shall be numbered the same as or similarly to, properties on northerly or southerly streets if the diagonal or curvilinear streets run more from the north to the south. The same shall hold for diagonal or curvilinear streets which run more from the east to the west in that properties on such streets shall be numbered the same as, or similarly to, properties on westerly streets.

(f) Where the general direction of a diagonal or curvilinear street has a deviation of exactly 45 degrees the direction of the street shall be considered as being northerly or southerly.

(4) INVISIBLE RECTANGULAR BLOCKS. A system of invisible rectangular blocks shall be established as a control grid in the following manner in conformity with the recommended uniform county address system.

(a) The established section lines shall form a basis for the block system and in a westerly direction from the eastern boundary of the county the first six (6) sections, extending through Menomonee Falls, Brookfield, New Berlin and Muskego, shall be divided into sixteen (16) blocks each. These invisible block lines shall have numerical designations of from "124" at the county line, to "220" at the western City limits of Muskego, New Berlin, Brookfield and Menomonee. Westward through the remaining towns the sections shall be divided into ten (10) blocks each and

the block lines shall have numerical designations of from "220" to "400", the latter being at the west edge of the county.

(b) In a northerly direction from the east-west base line the first and second rows of section shall be divided into eleven (11) blocks each, the third row into eight (8) blocks, and the fourth row into nine (9) blocks. From and including the fifth row northward to the north county line the sections shall be divided into eight (8) blocks each. These invisible block lines shall have numerical designations of from "1", the base line, to "96" at the north county line.

(c) In a southerly direction from the east-west base line the first row of sections shall be divided into thirteen (13) blocks and the second row into nine (9) blocks. From and including the third row southward to the south county line the sections shall be divided into eight (8) blocks each. These invisible block lines shall have the numerical designations of from "1", the base line, to "111" at the south county line.

(5) ASSIGNMENT OF NUMBERS

(a) One hundred numbers shall be assigned to each invisible block, regardless of discrepancies in block sizes. Properties on the north and east sides of streets shall bear even numbers and properties on the south and west sides of streets shall bear odd numbers.

(b) The number assigned to each property shall be composed of two (2) parts. The first part, or street designation, shall be composed of a directional letter, "N", "S", or "W" followed by the number of the appropriate block line.

(c) The second part of the property number, the block and house designation, shall be composed of a directional letter followed by the number of the appropriate block line plus two (2) additional digits indicating the relative position of the property in the block.

(d) For a block which lies south of the east-west base line, the designation of the block shall be by the block line numbers of its north and its east boundaries. For a block which lies north of the east-west base line, the designation of the block shall be by the block line numbers of its south and its east boundaries.

(e) Properties and street intersections contained within any block shall bear numbers and directional letters related to the point of intersection of the block boundary lines stipulated in the paragraph next above.

(6) DETERMINATION OF PROPER NUMBER. The point from which any property shall be assigned its proper number shall be determined as follows:

(a) Where land has been subdivided or platted into lots the center point of the frontage line of each parcel shall be the point of determination.

(b) In cases of farm residences or other residences or business places situated on large acreage or away from other development, the point of determination shall be the intersection of the centerline of the principal driveway with the street or highway right-of-way line.

(c) The proper number shall be determined and assigned by the Building Inspector.

(7) STREET NAMES.

(a) Streets, which are extensions of streets in Milwaukee County, shall bear the name by which they are known in that county excepting that directional prefixes, if any, shall be dropped. No directional prefix shall be used on any local street.

(b) All numerical street names shall be abandoned and other names substituted.

(c) A list shall be compiled by the Building Inspector of all existing street names in the City of Pewaukee and no future street shall be given a name which duplicates or approximates an

existing name. Cooperation shall be sought with all towns and municipalities in the county to the end that duplication of street names shall be minimized.

(d) The City of Pewaukee shall cooperate with neighboring towns, villages and cities to the end that streets which are continuous from one municipality or town to another municipality or town may have but one name when such single name would be desirable.

(e) The City Common Council of the City of Pewaukee may accept or reject proposed names of new streets and, where there is clearly a conflict or duplication in existing names, may direct the changing of one or more such names so that conflict or duplication may be minimized. The City Common Council, if it sees fit, may hold public hearings at which interested property owners may express their views concerning the naming or renaming of a street or streets.

(8) RECORD OF ADDRESSES

(a) For the purpose of facilitating the establishment and continuing work-ability of a uniform address system in the City of Pewaukee there shall be prepared and kept on file in the office of the Clerk a plat book showing the proper addresses of all residences and places of business within the City. The Clerk shall inform any person applying therefore of the number or numbers and approved street names belonging to a lot or property. In case of doubt as to the proper address belonging to any property the Building Inspector shall make the final determination.

(b) Within thirty (30) days after the final approval of any new subdivision or other division of land the Building Inspector shall assign addresses to each new building site. Records shall be kept of the assignments and a copy shall be provided for the developer at his request.

(9) INSTALLATION OF NUMBERS

(a) (rep. & rec. 04-9) Each residence and place of business has been assigned address numbers and the owner, occupant or agent shall install or cause to be installed in a conspicuous place, which can be observed from the roadway, upon the property/premises occupied by each house or place of business controlled by the occupant, the address assigned under the uniform address system provided for by this section. The size of the address letters/numbers shall be a minimum size of 2 1/4" tall and installed on a contrasting background. If multiple residential or business buildings are serviced by one driveway, each of the individual structures shall display an address. If a determination has been made by the Building Inspector or Code Compliance Officer that the address letters/numbers are not located in a conspicuous location, the owner or occupant shall be responsible for becoming compliant within 30 days of such notice.

(b) Numbers shall be installed within thirty (30) days from date of assignment or from the date of initial occupancy.

(10) **PROCUREMENT OF NUMBERS.** Whenever any residence or place of business shall be erected in the City of Pewaukee after the work of establishing a uniform address system has been completed, the owner shall at the time of obtaining a building permit procure the correct number and street name from the Building Inspector and within thirty (30) days thereafter install the number on the building or premises as provided in subsection (9).

(11) **FAILURE TO ATTACH AND MAINTAIN NUMBERS.** (rep. & rec. 04-9) If the owner or occupant of any residence or place of business shall neglect for the period of thirty (30) days to duly attach and maintain the property address, the Building Inspector or Code Compliance Officer shall serve upon the owner a notice requiring the owner to properly attach the address. If the owner neglects to do so after service of such notice and a period of ten (10) days elapses, they shall be deemed to have violated this Section and subject to penalties set forth.

10.05 OPENINGS IN STREETS AND HIGHWAYS.

(1) **REGULATION.** Street and highways as used herein shall include the entire public right-of-way from property line to property line.

(2) PERMIT. No person shall open any public street or highway within the City of Pewaukee, or cause the same to be done without first obtaining a permit therefore from the City Common Council. All applications for such permits shall be in writing and be filed with the City Clerk. Every such application for a permit shall describe the street or highway upon which the proposed opening is to be made and shall locate the proposed opening on such street or highway. The application shall further show the length, width and depth of the proposed opening in the public street or highway and shall state the purpose for which such opening is made. A fee in an amount as established, from time to time, by the City Common Council shall be charged for such permit and shall be deposited by the applicant with the City Clerk at the time the application for such permit is made.

(a) Excavations In Macadam Or Unpaved Streets, Etc. When excavations are made in macadam streets or unpaved streets and alleys surfaced with gravel, they shall be made and filled in the following manner:

The backfilling below the surface shall be done with gravel, sand or crushed stone, firmly tamped, or flushed with water, and all earth, stone or other material excavated shall be hauled away by the person authorized to make the excavation, unless otherwise specified by the City of Pewaukee which shall be the final authority on acceptance of the excavation material for the use of backfill. In case of dispute the decision of the City Common Council shall be final and binding upon the parties affected. All such excavations shall be given a temporary blacktop surfacing two (2) inches thick immediately following the completion of the refilling or backfilling.

(b) Excavations In Paved Streets. Unless expressly waived by the City Common Council no excavations shall be permitted in any paved streets. All excavation in paved streets shall be done by boring under the street surface in such a manner so as the surface of the street shall not be affected by the tunnel. Any settling of the street surface caused by said boring shall be immediately repaired by the permittee. In the event the City Common Council shall permit the excavator to enter the surface of the paved street then said excavation shall be done as follows:

Excavations in paved streets shall be made and filled in the following manner:

(1) The opening in the pavement shall be sawed unless otherwise permitted by the Director of Public Works, and foundation must be at least sixteen (16) inches larger in all directions than the size of the trench to be excavated so that there may be a shoulder of solid earth eight (8) inches wide on all sides of the opening to support the new pavement.

(2) Should the sides of the trench cave during the progress of the work, additional pavement must be broken so that eight (8) inches of the shoulder may be retained. The backfill below the pavement shall be done with gravel, sand or crushed stone, firmly tamped, and all stone, earth and other material excavated shall be hauled away by the person authorized to make excavation. All materials used shall comply with City regulations and specification.

(3) No street which has been surfaced with bituminous or concrete material at least one and one-half (1-1/2") inches in thickness within the previous 36 months shall be cut or excavated unless in an emergency. Any such emergency cut shall be back filled with a "slurry" mixture and the surface repaved to City standards.

(3) DIGGING TRENCHES. When opening any street surface or other public highway, it must be straight cut or sawed, all material for paving and ballasting must be removed with the least possible loss of surface material, and such material, together with that excavated from the trenches, or otherwise, must be placed where it will cause the least inconvenience to the public. All such materials must be so placed as to permit the free passage of water along the gutters or ditches. Any street or public highway upon which such opening is made must not be obstructed so as to interfere with the traffic thereon. No more than the necessary amount of the trench may be dug until the slant or junction piece to the sewer or water main is found. The backfilling must be compacted and paving and ballast must be replaced in as nearly the original condition as possible and to the satisfaction of the City Highway Superintendent. When the sides of the trench will not stand perpendicular, sheeting and braces must be used to prevent caving. When caving occurs, all of the street or highway surface thus disturbed must be restored in the same careful manner as though it were originally excavated or trenched.

(4) **BACKFILL MATERIAL.** When any excavation is made in the City right-of-way of the highway or street, and the shoulder thereof, from property line to property line, the clay excavated must be removed and the excavation entirely backfilled with crushed road gravel thoroughly compacted in one foot lifts with a wacker. Any tunnels dug in pavements shall be backfilled and compacted with crushed gravel subject to the approval of the City Highway Superintendent.

(5) **MAINTENANCE OF STREET AFTER COMPLETION.** Any person obtaining a permit as herein provided shall be responsible and shall be required to maintain and repair that portion of any public right-of-way in the City whereon such opening is made for a period of one (1) year from the date that completion is approved pursuant to (3) above, and shall keep and maintain the right-of-way whereon the opening is made in the same condition as the remainder of the highway or public street whereon such opening was made. In the event that such repairs are not made as herein provided, the City Common Council shall order the same made by the person obtaining a permit as herein provided upon five (5) days written notice. In the event such repairs are not made as herein provided, the City Common Council shall cause the repairs to be made and charge the expense thereof to the person obtaining the permit and the bond deposited.

(6) **PROTECTION OF THE PUBLIC.** Every person opening any public street or highway within the City must enclose each such opening with surface barriers. Flashers must be kept burning from sunset to sunrise, each light to be placed at intervals of ten (10) feet. All necessary precautions shall be taken to protect the public effectually 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 liable for all damages, including costs incurred by the City of Pewaukee in defending any action brought against it for damages and costs of any appeal that may result from his neglect in opening the public highway or street and in performing the work incidental thereto, including any claim for damages that may result to the City by reason of the failure to keep the public street or highway in repair for a period of one (1) year from the date that the opening is closed.

(7) **BOND.** Before a permit is granted, the applicant therefore shall execute to the City of Pewaukee and deliver to the City Clerk at the time the application for such permit is filed, a undertaking in the sum of \$10,000.00, said undertaking to be a cash bond or letter of credit, or such other sum as the City Common Council may determine, conditioned that he will perform faithfully all work with due care and skill, and in accordance with the terms and conditions of this Section, and that they will faithfully perform and abide by all the terms and conditions of this Section, and will save the City of Pewaukee harmless from all liability for all damages, costs and expenses and claims of any nature or kind arising out of the unskillfulness or negligence in connection with causing the opening to be made in any such public highway or street in the City accordance with the permit granted by the City Common Council. Such bond of undertaking shall remain in force and shall be executed for a period of one (1) year, except that on such expiration it shall remain in force as to all penalties, claims or demands that may have accrued thereunder prior to such expiration. The City Highway Superintendent may reduce the amount of the bond required herein in those situations where the need for \$10,000.00 is not deemed necessary by said Superintendent. In the case that the Superintendent deems that a lesser amount will fully protect the interest of the City and compensate the City fully in the event of non-compliance, the Superintendent may prescribe in writing to the applicant the sum deemed necessary and said amount shall constitute the bond required herein.

(8) **RESTORATION SPECIFICATIONS.** All restoration under this Ordinance shall be in accordance with the road specifications or utility specifications then in effect. In the event removed materials do not qualify for restoration the applicant shall comply with the City specification with materials that do comply. At all times-restoration shall be performed using "like-kind" materials (sod for sod, black dirt for black dirt, asphalt for asphalt, etc.) and proper compaction methods shall be utilized to prevent settling.

(9) **TELEPHONE, ELECTRIC AND GAS UTILITIES.** In the event the utility itself is performing the work, the bond imposed above shall be waived. In the event the utility has contracted the work to a private contractor, the bond shall then be required before said contractor shall be permitted to commence work.

(10) **PENALTIES.** In addition to the payment of all costs necessary to restore the project to the

condition required by this Ordinance, any person who shall attempt to commence any construction covered herein without a permit, or who shall violate any other provisions of this Ordinance, shall be subject to a penalty of not less than \$250.00 nor more than \$500.00 for the violation of this Ordinance. Each day that a violation occurs shall be considered a separate and distinct offense under the terms of this Ordinance. Failure to pay any penalty imposed by a court of law under this Ordinance shall subject the defendant to commitment in the County Jail or other remedy as provided under Wisconsin law. In all other respects any penalty shall be subject to Chapter 25 of the City Code of the City of Pewaukee.

10.06 CITY OF PEWAUKEE OFFICIAL MAP. (Cr. #12-04)

(1) **INTENT.** It is the intent of the Common Council to establish a City Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness, and general welfare of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to insure proper legal descriptions and establishment of accurate survey control and identification of surveyed section and quarter-section corners; to facilitate adequate provision for transportation facilities, parks, and playgrounds; preserve flood lands, wetlands and storm water drainage facilities; and to facilitate the further subdivision of larger tracts into smaller parcels of land.

(2) **AUTHORITY.** This ordinance is enacted and hereby created under the authority granted by § 62.23(6) of the Wisconsin Statutes.

(3) **JURISDICTION.** The jurisdictional area of this Section shall include all lands within the corporate limits of the City of Pewaukee.

(4) **CITY OFFICIAL MAP.** The City Official Map of the City of Pewaukee is hereby established, which shall be deemed to include the text of this Section, the 28 individual maps which accompany and are an integral part this Section 10.06, and Appendix I which accompanies and is hereby incorporated in this Section 10.06. The Official Map shall show or describe the location and extent of all existing platted public streets and highways and proposed additions thereto; all planned arterial streets and highways; all designated flood lands; all wetlands; and all drainage ways, parkways, parks and playgrounds within the jurisdictional boundaries of the City of Pewaukee proposed to be preserved as heretofore adopted and established by law. Appendix I to this Section shall be deemed an integral part of the City Official Map and shall contain a detailed description of each of the 28 individual maps, including a description of the facilities located within the mapped area.

(5) **CHANGES AND ADDITIONS.**

(a) The Common Council may change the City Official Map from time to time to establish: the exterior lines of, widen, narrow, extend, or close any platted existing, proposed, or planned streets, highways, drainage ways, parkways, and parks or playgrounds.

(b) The Common Council shall refer any proposed change or addition to the City Official Map to the Plan Commission for review and recommendation thereon prior to consideration. The Plan Commission shall report its recommendation to the Common Council within sixty (60) days of receipt from the Common Council.

(c) A public hearing before the Plan Commission shall be required before any changes or additions to the City Official Map are effective, except that changes and additions made as a part of a duly approved land subdivision preliminary or final plat or certified survey map (CSM) shall not require a public hearing, as set forth herein, as long as such changes or additions do not directly affect any land outside the area being platted. In such case, the extent of platted streets and highways and environmental elements included on a plat or CSM shall be placed on the City Official Map once the plat or CSM is first approved by the Common Council. Notice of any public hearings shall be published as a Class II notice pursuant to Chapter 985 of Wisconsin Statutes.

(6) **BUILDING PERMITS.** For the purpose of preserving the integrity of the City Official Map and those existing and proposed public lands designated thereon, no building permit shall be issued for any structure or part thereof that is currently or hereafter proposed to be located, erected, reconstructed, extended, enlarged, converted or otherwise structurally altered within the boundaries or rights-of-way of such public

land designations. No permit for the erection of any building shall be issued unless a public street or highway facilitating access to such proposed structure has been placed on the City Official Map. The City Building Inspector may require each applicant for a building permit to submit a plan, prepared and certified by a registered land surveyor, showing accurately the location of any proposed building(s) with reference to any street, highway, drainage way, parkway, floodplain or wetland shown on the City Official Map.

(7) **UTILITY IMPROVEMENTS.** No public utilities or improvements shall be constructed within the right-of-way of any street, highway, or parkway within the jurisdictional area of the City Official Map until the location of such street, highway, or parkway has been approved by the Common Council.

(8) **APPEALS.** The City's Zoning Board of Appeals shall have the power, under § 62.23(6)(e), (f), and (g) of the Wisconsin Statutes, to review any administrative decision of the City Building Inspector to deny a permit for the erection of a structure hereunder, and to grant relief from the requirements hereof.

(9) **CERTIFICATION.** There shall be a certified copy of each of the 28 maps that comprise the map element of the City Official Map, described in Sub-section 4 above, maintained in the office of the City Clerk and/or City Planner, and shall be available for inspection by any interested person during regular office hours. Each copy of each of the certified maps shall bear on its face a written declaration that it is a true copy of the City Official Map described in this Section and shall be officially signed by the Mayor and by the City Clerk. Thereafter no change or addition to such City Official Map shall become effective until it shall have been adopted by the Common Council as set forth herein and a certificate placed thereon or attached thereto bearing the date of adoption of the amending action. The certificate shall be signed by the Mayor and countersigned by the City Clerk as set forth above.

(10) **FILING WITH THE COUNTY REGISTER OF DEEDS.** Within five working days following adoption and the creation of the City Official Map or any amendment thereto, the City Clerk shall be responsible for recording a true copy of the City Official Map, as amended, with the Waukesha County Register of Deeds. When permitted, a compact disk may be substituted for paper copy.

(11) **ENFORCEMENT.** It shall be the duty of the City Building Inspector, City Planner and/or the City's principal law enforcement officer to enforce the provisions of hereof.

(12) **PENALTIES.**

(a) Any person, firm, or corporation who, after having been given at least a five-day written notice, fails to comply with the provisions of this Section shall, upon conviction thereof, forfeit not more than Five Hundred Dollars (\$500.00) and not less than Two Hundred Dollars (\$200.00) and cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof but not exceeding thirty (30) days. Every day of non-compliance following proper notice shall constitute a separate violation.

(b) No damages shall be allowed for the condemnation of land by any governmental agency, for street, highway, drainage way, and parkway purposes; or, for required removal of any building erected in violation of this Ordinance.

10.07 CULVERT REGULATION.

(1) **CULVERT INSTALLATION.** No public street, road, highway or drainage easement ditch shall be traversed with a motorized vehicle in the City of Pewaukee except at those locations where necessary drainage culverts have been installed pursuant to authorization by the City Common Council for the purpose of drainage ditch preservation and assuring potential surface and storm water drainage. The installation of all driveway or road ditch culverts in the City of Pewaukee shall be accomplished by the City personnel or contractors retained by the Town.

(2) **COST OF CULVERT INSTALLATION.** At the time of application or request for installation of a road ditch or public drainage easement culvert, the owner/applicant must agree to pay the actual cost of installing the culvert(s) plus administrative costs. Upon completion of culvert installation, the City will bill the property owner/applicant for such cost which will be due and payable within sixty (60) days. The amount to be charged by the Building Inspector for the culvert installation shall be based upon the actual cost of the culvert, any fill or construction materials, wages or contracts for labor and machinery expense. In addition, an administrative charge of ten percent (10%) shall be added to the above cost

to offset the expenses of the City in administering the culvert installation project and to recover cost of any necessary inspections. An estimate of total cost of the culvert installation shall be provided to the applicant/owner by the Building Inspector at the time a request for culvert is made.

(3) **PROHIBITED CULVERT INSTALLATION.** No person, firm, or corporation shall install or cause the installation of any culvert which is within or will allow access to a public right-of-way or easement in the City of Pewaukee unless authorized specifically by the City Common Council. Any culvert installed in violation hereof shall be removed by the owner of the property serviced by the culvert within ten (10) days following written notification of such violation by the Building Inspector. If not removed within the prescribed time period, the City Common Council shall have the culvert removed and, if necessary and warranted, a legal culvert installed. The property owner shall pay all expenses for any such removal as well as the costs involved in the installation of a legal culvert. If said owner fails to pay the expenses of the City, the charges may be placed on the tax roll and collected as a special charge as set forth in Section 66.0627 of Wisconsin Statutes.

(4) **CONTINUING RESPONSIBILITY FOR CULVERT.** Every property owner will have the continuing responsibility and obligation to maintain and repair the culvert(s) servicing their property. Should any culvert reach such a condition or state of disrepair or be damaged to such extent that the flow of drainage or access by motor vehicles is affected thereby, the property owner shall take whatever actions are necessary to repair or replace said defective culvert. In the event a property owner shall fail to maintain a culvert in good repair or install a replacement culvert as required, the City Common Council shall have the right to proceed, after notification as outlined in subsection (3) of this Ordinance, to repair or replace the defective culvert at the expense of the property owner and charged as prescribed in Section 10.07, Subsections (2) and (3) of this Ordinance. Owner may appeal the imposition of said charges to the City Common Council within thirty (30) days of receiving notice of said charges.

(5) **HIGHWAY SUPERINTENDENT TO MONITOR.** The City Highway Superintendent or his designate shall have the responsibility to determine all matters relating to condition, specification, grade and location of all culverts within the City. The Highway Superintendent's decision will be final except that any person aggrieved by his decision may appeal said decision to the City Common Council.

(6) **PENALTY.** The penalty for violation of this Section, in addition to the financial responsibilities herein shall be as contained in Section 25.04 of the Municipal Code.

10.08 Repealed Ord. 06-01

10.09 DEPOSIT OF SNOW IN STREETS OR RIGHT-OF-WAYS

No person, corporation or organization shall cause, allow or permit snow or ice to be deposited from premises owned, controlled, leased, rented or maintained by the said person, corporation or organization onto any streets or right-of-way in the City of Pewaukee.

Each violation and each day that a violation occurs or continues shall be considered a separate violation of this ordinance.

In addition to any penalty imposed for violation of this section, the City may charge to the violator the actual costs and expenses of correcting the violation, and if the violator does not pay such charge, the same may then be added to the tax roll as a special real estate charge.

10.10 SEWER WATER AND PUBLIC IMPROVEMENT OVERSIZING AND EXTENSIONS.

(1) **DEVELOPER TO FINANCE FACILITY EXTENSIONS.** Whenever a developer/landowner within the City of Pewaukee proposes a development requiring public services such as sewer mains, lift stations, water mains, meters, oversizing of existing facilities, storm drainage facilities, street extensions or reconstructions, ditches, and similar physical facilities and appurtenances, together with any easements therefore, and if all or any of such public facilities are not in place and ready for connection or extension to the proposed development or user, the developer/landowner will, prior to

final approval of any development plans, enter into a subdivider's or developer's agreement with the City therein, which agreement will set forth the specific provisions and procedures for completion of the development as well as setting forth who will accomplish the work involved. Prior to approval of developer's/landowner's agreement by the City, the developer/landowner shall provide an irrevocable letter of credit or cash bond in an amount equal to the City Engineer's estimate of the total cost of such development/subdivision to ensure that the project will be completed to the satisfaction of the City. At the option of the City and in the event developer/landowner has adequate financial capability, City may allow developer/landowner to design, plan, bid and construct all facilities developer/landowner proposes to dedicate to the City within its own development without the requirement of an irrevocable letter of credit or cash bond. Developer/landowner will, however, not permit any services to be utilized in advance of dedication and acceptance by the City. In the event developer/landowner obtains approval to design, plan, bid and construct its own project within its property, developer/landowner will not request from the City any reimbursement by way of special assessment. If the City is to accomplish the utility/facilities development/construction, the developer/landowner shall, at the time required by the City, provide a trust account in the name of the City an amount equal to one hundred and ten percent (110%) of the total cost of such development/construction as estimated by the City Engineer to accomplish the tasks involved and to offset any administrative cost related to such accomplishment. As a mutual agreed option, a developer/landowner may request that the proposed development take place in mutually exclusive stages and further request that the funding for the proposed development be accomplished for each specific stage with the understanding that no stage will be commenced prior to agreement as to the amount and type of the funding as provided herein. Said trust account shall be approved by the City Attorney and shall be solely controlled by the City.

(2) CITY TO SPECIAL ASSESS BENEFITS WITH CERTAIN DEFERMENTS. If the City makes the basic improvements, the City may, upon receipt of the trust funds and a specific request is made by the developer/landowner as provided in Section 10.10, Subsection (1), pass a preliminary resolution or resolutions commencing procedures to special assess all property owners directly benefiting from the public facilities being installed.

(a) All Planning, Engineering And Construction To Be Accomplished Under The Direction Of The City Engineer. At the option of the City, all construction for the public facilities governed by this Ordinance may be planned, Engineered, bid and performed by either the City and/or Sanitary District or the developer/landowner. In the event the developer/landowner is allowed to provide any of the planning, Engineering or construction of the public facilities, all activities related to such activities shall be under the direction of the City Engineer. All expenses incurred by the City shall be paid from trust funds provided by the developer/landowner.

(b) Properties Benefiting To Be Special Assessed Benefits. If the development/subdivision utilities and facilities are accomplished by the City, all real estate benefiting directly from the said extension of public services may be specially assessed for those benefits in an amount as determined by the City Common Council, but not to exceed the total cost of the project.

(c) Special Assessment Deferments. Those parcels not realizing an immediate benefit will be granted a deferment of any special assessment for so long as legally permitted by the City Common Council, but in any case, deferment shall be levied in such terms as ordered upon the happening of any of the following events which shall thereupon vest the benefit:

1. Sale, gift, devise or other transfer of the property to any person, corporation or association other than a spouse; or
2. Connection of the property to the facility either voluntarily or by order of any governmental body or agency; or
3. The passage of all legal time for deferments of special assessments.

(d) Developer/Landowner To Add To Trust Fund If Shortages Arise. At any stage of the project, if the monies in said trust account are deemed to be insufficient by the City Common Council, the developer/landowner shall replenish said escrow with sufficient funds to complete the project based on an updated estimate by the City Engineer. The City will place said trust funds in an

interest bearing account and any interest earned on said account will accrue to the benefit of the trust account and belong to the developer/landowner. At any stage developer/landowner may apply to the City Common Council for reduction in said trust monies upon approval and recommendation from the City Engineer for the lesser amount. Said trust reduction may occur if the amount necessary to complete the project decreases in amount.

(3) **REPAYMENT OF DEVELOPER/LANDOWNER FINANCING BY SPECIAL ASSESSMENT.** If the City is legally permitted to return to developer/landowner his monies advanced as provided above by the collection of said special assessments, then the City may refund that portion of the special assessment representing the amount expended by the developer/landowner as collected. In the event that it is finally adjudicated by a court of competent jurisdiction that the City is legally prohibited from special assessing or the developer/landowner is not entitled to reimbursement, then the special assessment will thereupon be voided and the developer/landowner will be deemed to have lost any legal right to reimbursement of development advances.

(4) **THIS ORDINANCE NOT AFFECTING CONSTRUCTION REQUIRED WITHIN DEVELOPMENT.** Nothing herein shall affect the requirement that developer/landowner design, construct and dedicate all public facilities within said development and for which developer/landowner shall remain responsible legally and financially in accordance with all other City Ordinances.

(5) **USE OF FACILITIES.** Any facilities constructed under this Ordinance by developer/landowner shall not be utilized without prior written approval by the City.

(6) **WARRANTIES.** All facilities planned, designed or constructed by the developer/landowner shall be warranted against any and all defects in workmanship and materials for a period of twelve (12) months from the date of acceptance of said facilities by resolution of the City. In addition to the warranties for workmanship and materials, developer/landowner shall be responsible for negligent installation as provide under Wisconsin law.

10.11 LAWN FERTILIZER APPLICATION CONTROL

1. RESTRICTIONS ON FERTILIZER CONTENT

(a) “Applicator” defined. For purposes of this ordinance, applicator shall be defined as any firm, corporation, franchise, a commercial or noncommercial applicator for hire engaged in the business of landscaping or lawn care, and the application of fertilizer in conjunction therewith, or any individual property owner or renter.

(b) Fertilizer Content. No applicator shall apply any lawn fertilizer, liquid or granular, within the City of Pewaukee which contains any amount of phosphorous or other compound containing phosphorous, except the naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compound.

(c) Exemption to Phosphorous Requirement. The limitation pertaining to quantity of phosphorous shall not apply to:

- (a) newly established or developed turf and lawn areas during first growing season; or
- (b) turf and lawn areas which soil tests confirm are below phosphorous levels established by the City Approval Authority. The lawn fertilizer application shall not contain an amount of phosphorous exceeding the amount of phosphorous and the appropriate application rate recommended in the soil test evaluation or

(c) golf courses when used for golf course management/repair or

(d) land, zoned agricultural in nature when used for crop development.

Phosphorous applied as lawn fertilizer pursuant to the aforementioned exemptions shall be watered into the soil where it is immobilized and generally protected from loss by runoff.

Any person, firm, corporation, franchise, or commercial or noncommercial applicator, including a homeowner or renter, shall notify the City at least 24 hours prior to applying lawn fertilizer containing

phosphorous of the reason for using fertilizer containing phosphorous and the amount of phosphorous contained in the lawn fertilizer to be applied.

2. REGULATION OF APPLICATION

(a) Time of Application. No applicator may apply lawn fertilizer when the ground is frozen or when conditions exist which will promote or create runoffs.

(b) Sample analysis cost. In the event of a dispute regarding content of fertilizers applied by applicators, the city may sample the content. The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the applicators if the sample contains phosphorous.

(c) Impervious surfaces and drainage ways. No applicator shall apply fertilizer to impervious surfaces; such as driveways, sidewalks, and streets or areas within drainage ditches or waterways. In cases where fertilizer unintentionally lands on a sidewalk, street or driveway, the applicator or person shall be required to sweep it off that surface.

3. BUFFER ZONE

No fertilizers containing phosphorus may be applied:

- a. To any established natural buffer zones as outlined in wetland ordinance.
- b. Below the ordinary high water lines of any stream or water body as established by the Wisconsin Department of Natural Resources.
- c. Within 20 feet of any wetland, pond, lake or standing water surface.

4. PENALTIES. Violations of this section shall carry penalties as provided in § 25.04 of this Municipal Code.

10.12 REGULATION OF GATES IN PRIVATE ROADS. (Cr. 14-13)

(a) Any gate located within a private road shall be serviced and inspected on an annual basis by a technician qualified for the particular mechanism employed for operation. Documentation of the service and inspection shall be submitted to the Fire Inspector within 20 days of inspection.

(b) The owner of the private road shall keep the roadway on either side of the gate clear by of all snow, ice, debris, or other substance at all times.

(c) The forfeiture for a violation of this section shall be as set forth in §25.04(2), except that the minimum forfeiture is \$500.

(d) This ordinance shall apply to any gate installed after the effective date of this ordinance.

10.15 PENALTY (Ren. 14-13)

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 25.04 of this Municipal Code.