CHAPTER 10

Sidewalks - Installation and Repair [1] [2]

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10.01 Sidewalk Required.

In all areas where property is adjacent to a street for which the location and grade has been established and where the street has been improved by paving (either concrete or asphalt) and the installation of curb and gutter, the owner of the property shall have public sidewalks constructed for the property within twelve (12) months of the date that an occupancy permit for a building is issued by the Building Inspector.

Vacant, unimproved properties on any street where the street has been improved by paving (either concrete or asphalt) and installation of curb and gutter, the owner of the property shall have public sidewalks constructed for the property within seven (7) years of the date of street improvement.

When the property is located at the intersection of public streets, the owner of the property will be responsible for the initial construction and installation of the corner block located at the intersection of the public streets. The corner block shall be constructed in accordance with all federal, state, and local rules and regulations.

When a building is located at the end of a dead-end street, the public sidewalk from the driveway to the adjoining lot shall be constructed. A sidewalk is not required on the portion of the property from the other side of driveway to the end of the dead-end street.

Notwithstanding the foregoing, the Village Board may determine if sidewalks are required or not required in specific areas of the Village.

10.02 Definition.

As used herein, "owner" shall mean any owner of record of any real estate within the Village of Oostburg, including Land Contract purchasers.

10.03 Sidewalk Standards.

[1] Adopted 8/11/1997. See Minutes of the Village Board, Vol. 11, pg. 1137.

[2] Revised and adopted 8/12/2024.

All new public sidewalks shall be of four inches (4") thick concrete, constructed on a three inch (3") aggregate base, except at driveways sidewalks shall be six inches (6") thick concrete on six inches (6") of aggregate base.

Public sidewalks shall be five feet (5') wide and located five feet (5') from the back of the curb.

Public sidewalks shall be installed with 1/4" per foot pitch, starting at the back side of curb continuing to the back edge of sidewalk.

In the event where new or existing public sidewalks are of a different width, pitch or location, the Director of Public Works or the Building Inspector shall authorize changes to the above requirements as the circumstances may indicate.[3] If the owner of the property disagrees with the determination of the Director of Public Works or the Building Inspector, the owner of the property may appeal to the committee of the Village assigned to street responsibility. The decision of the committee shall be binding and not subject to further appeal.

10.04 Failure to Install a Sidewalk.

In the event a property owner has failed to install public sidewalks as required by the herein Ordinance, the Village shall deliver to such owner a written notice indicating the owner has an additional ninety (90) days within which to install said sidewalk, and if said sidewalk is not installed within the allotted time without Village Board approval because of extenuating circumstances, the Village will commence necessary action to have said sidewalk installed and charge the expenses thereof to the property owner. If unpaid, the tax roll collection provisions of Section 10.07 herein shall be utilized to collect the expenses incurred together with any related costs.

10.05 Repair or Replacement of Existing Sidewalk or Corner Block.

In the event the Village of Oostburg determines that a public sidewalk or any portion thereof, is damaged or that the existing condition of said sidewalk represents a safety hazard, the Village shall notify the property owner, in writing, of said condition.

Conditions that constitute damage or safety hazards include:

- Fractured: A fracture or crack in any panel (or portion) of the sidewalk, in any direction that results in:

    1. A separation of ½" or greater in the horizontal plane of the sidewalk at any point along the fracture
    2. A vertical offset of ½" or greater between adjacent horizontal surfaces at any point along the fracture
    3. Excessive vegetative growth in the fracture that may be deemed as a tripping hazard. A fracture with excessive vegetative growth will not be considered damaged if the vegetative growth is controlled by periodic application of a commercially available herbicide or physical removal

- Raised or Sunken: Any panel (or portion) of the sidewalk that results in a vertical offset of ½" or greater from any adjacent panel(s)
- Heaved or Tilted: Any panel (or portion) of the sidewalk that has been heaved or tilted from the original construction by any force of nature that results in an abrupt change in plane from the affected panel to any adjacent panel(s)
- Displaced: Any panel (or portion) of the sidewalk that has been displaced from its original construction in the horizontal plane

[3] Adopted 9/13/2010

- Spalled: Any panel (or portion) of the sidewalk that exhibits loss of the finished surface to a depth of ½" or greater over 50% of its surface area
- Disintegrated: Any panel (or portion) of the sidewalk that exhibits severe deterioration that may pose the potential of trips or falls and be considered a safety concern to individuals using the sidewalk

The property owner is responsible to complete the necessary replacement or repairs as required to correct any damage or safety hazards as soon as practicable but in any event not more than 90 days after written notice from the Village. The property owner will be responsible for the full cost of any replacement or repairs necessary.

The Village will be responsible for the repair or replacement of any existing corner block located at the intersection of public streets that is damaged or otherwise deemed to present a safety hazard.

10.06 Repair or Replacement of Existing Sidewalk as a Result of Street or Utilities Construction Projects.

In the event a Village street or utilities construction project damages any sidewalk or any portion thereof including any corner block that is required to be removed and replaced, and the affected sidewalk or portion thereof has been in place for less than ten (10) years, the Village will pay the full cost of repair or replacement. Notice under this Section shall not be required.

In the event a Village street or utilities construction project damages any sidewalk or any portion thereof including the corner block, that is required to be removed and replaced, and the affected sidewalk or portion thereof has been in place for more than ten (10) years, the Village will pay fifty percent (50%) of the cost of repair or replacement and the owner of the property will pay the remaining fifty percent (50%). Notice under this Section shall be in accordance with Article 10.08 set forth below.

When repair or replacement of an existing sidewalk in the event a Village street or utilities construction project impacts a property that is located at the intersection of public streets, the owner of the property shall only be responsible for the repair or replacement of the sidewalk or portion thereof that is located along the street of the registered address of the property. Notice under this Section shall be in accordance with Section 10.08 set forth below.

The Village will be responsible for the full cost of any repair or replacement of any existing corner block located at the intersection of public streets that is damaged by street maintenance activities or as a result of street or utility improvement projects or is otherwise deemed to present a safety hazard. Notice under this Ordinance shall not be required.

10.07 State Statutes and Collection of Special Charges Enacted.

The provisions of secs. 66.0627, Wis. Stat., and the procedures set forth in said section are adopted and made a part of this section by reference.

10.08 Enforcement Procedures.

The Village shall publish a Class 1 Notice pursuant to Chapter 985, Stats., at least twenty (20) days before conducting a public hearing on whether the service in question will be funded in whole or in part by a special charge. Any interested person may testify at the hearing. A copy of the Notice shall be mailed at least ten (10) days before the public hearing to every interested person whose post office address is known or can be ascertained with reasonable diligence. Such Notice shall specify that on a certain date the Village will conduct a public hearing to determine whether the Village will proceed to affect installation, repairs, or replacement of sidewalk. Insomuch as it is ascertainable the Notice will include an estimate of the cost of installation, repair, or replacement.

Upon the completion of the installation, repair, and/or replacement of the subject sidewalk, the Village Clerk will submit a statement of charges to the owner, said charges being the expense of such installation, repair, and/or replacement.

If the owner's charges for the installation, repair, and/or replacement do not exceed Fifty Dollars ($50.00), the cost for said installation, repair, and/or replacement shall be payable within ten (10) days of the receipt of the invoice of such installation, repair, and/or replacements. If not paid as provided, a service charge of one percent (1%) per month shall apply to the amount unpaid. If not then paid, it shall be treated as a delinquency and added to the next tax roll.

If the owner's share of installation, repairs, and/or replacement exceed the sum of Fifty Dollars ($50.00), said sum shall be paid to the Village Clerk within six (6) months of the date of installation repairs, and/or replacement. If not paid as provided, a service charge of one percent (1%) per month shall apply to the amount unpaid. If not then paid, it shall be treated as a delinquency and added to the next tax roll.