

CHAPTER 10

Sidewalks - Installation and Repair ¹

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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 which street has been improved by paving (either cement or blacktop), curb and gutter, the owner shall have the public sidewalks constructed on such property within (12) months of the date that an occupancy permit is issued by the building inspector. When a building is located on a dead end street, the public sidewalk from the driveway to the adjoining lot shall be constructed within twelve (12) months of the date that an occupancy permit is issued by the building inspector. A sidewalk is not required on the portion of the property from the other side of driveway to the dead end. Notwithstanding the foregoing, sidewalks are currently not required on either side of Sauk Trail Road and on any property located in the Village of Oostburg East of Sauk Trail Road. ²

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.

All new sidewalks shall be of four-inch (4") thick standard cement constructed on a three-inch (3") aggregate base except at driveways, sidewalks shall be six inches (6") of concrete on six inches (6") of aggregate base. Sidewalks shall be five feet (5') wide and located five feet (5') from the back of the curb. 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 sidewalks are of a different width, pitch or location, the Street Superintendent shall authorize changes to the above requirements as the circumstances may indicate.³ If the owner of the adjoining property disagrees with the determination of the Street Superintendent as to sidewalk location, the owner 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.

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

² Adopted 6/8/2009

³ Adopted 9/13/2010

10.04 Failure to Install a Sidewalk.

In the event an adjacent owner has failed to install a sidewalk as required by the herein Ordinance, the Street Superintendent shall personally 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, the Village will install said sidewalk and charge the expenses thereof to the property owner, and, if unpaid, the tax roll collection provisions of section (3) shall be utilized to collect the expenses incurred together with any related costs.

10.05 Repair or Replacement of Existing Sidewalk, Corner Block, Curb, and Gutter.

In the event the Village of Oostburg determines that sidewalk, corner block, curb, or gutter is broken, heaved, cracked, disintegrated, or otherwise damaged or that the condition of said sidewalk, curb, and/or gutter represents a safety hazard, the Village shall notify the owner, in writing, of said condition. In the case of curbing and gutter in place for less than ten (10) years, the Village will pay the full cost of repair or replacement and notice under this Ordinance shall not be required. In the case of curbing and gutter installed 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 real estate the remaining fifty percent (50%). Corner block maintenance is the responsibility of the owner, however, ADA upgrades that are required subsequent to the corner block installation, will be paid by the village. The notice provisions shall apply to such sidewalk, corner block, curb and/or gutter repair or replacement.⁴

10.06 State Statutes and Collection of Special Charges Enacted.

The provisions of secs. 66.60(16)(a) and (b), WI Stats., and the procedures set forth in said section are adopted and made a part of this section by reference.

10.07 Enforcement Procedures.

The Village shall publish a Class 1 Notice pursuant to Chapter 985, Stats., at least twenty (20) days before proceeding under this Ordinance and a copy of the Notice shall be mailed at least ten (10) days before proceeding to every interested person whose post office address is known or can be ascertained with a reasonable diligence, Such Notice shall specify that on a certain date the Village will proceed to affect installation, repairs, or replacement of sidewalk, curb, and/or gutter. Notice shall be sent to each owner as defined herein. Inasmuch as it is ascertainable or can be estimated, the cost of installation, repair, or replacement shall be included in the Notice.

If objection to the installation, repair, or replacement or the cost of such installation, repair, or replacement is had within ten (10) days of giving Notice, then a hearing shall be had and the person interested heard

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

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

⁴ Adopted 2/12/2012. See Minutes of the Village Board, Vol. 22, pg. 1702.

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