

## TITLE 4

### Public Works

Chapter 1	Grades; Official Map
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## CHAPTER 1

### Grades

§ 4-1-1	Establishment of Grades
§ 4-1-2	Alteration of Grade Prohibited

#### SEC. 4-1-1 ESTABLISHMENT OF GRADES.

- (a) GRADES TO BE ESTABLISHED. The grade of all streets, alleys and sidewalks shall be established by resolution by the Village Board and the same recorded by the Village Clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance the sidewalks shall be laid to the established grade of the street.
- (b) NEW SIDEWALK GRADE. Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction of the sidewalk shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Village Board shall upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established. The cost of furnishing such grade shall be borne by the Village.

#### SEC. 4-1-2 ALTERATION OF GRADE PROHIBITED.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the Village of Bear Creek by any means whatsoever unless authorized or instructed to do so by the Village Board. All such alterations of grade shall be recorded in the office of the Village Clerk or the officer authorizing the alteration.

## CHAPTER 2

### Streets and Sidewalks

- § 4-2-1 Removal of Rubbish and Dirt From Sidewalks
- § 4-2-2 Construction and Repair of Sidewalks and Curbs and Gutters
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- § 4-2-10 Downspouts and Eaves of Buildings Not to Drain on Sidewalks
- § 4-2-11 Sale or Display of Merchandise Prohibited
- § 4-2-12 Requests for Improvements

#### SEC. 4-2-1 REMOVAL OF RUBBISH AND DIRT FROM SIDEWALKS.

No owner or occupant shall allow the sidewalk abutting on his premises to be littered with rubbish or dirt. If such owner or occupant shall refuse or fail to remove any such rubbish or dirt when notified to do so by the Village Board, the Board may cause the same to be done and report the cost thereof to the Village Clerk who shall spread the cost on the tax roll as a special tax against the premises, or such cost may be recovered in an action against the owner or occupant.

#### SEC. 4-2-2 CONSTRUCTION AND REPAIR OF SIDEWALKS AND CURBS AND GUTTERS.

##### (a) OWNER TO CONSTRUCT.

- (1) Owner's Responsibility. Whenever the Village Board shall by resolution determine that a sidewalk be laid, rebuilt, repaired, lowered or raised along or upon any public street, alley or highway within the Village, it shall proceed according to Section 66.615 of the Wisconsin Statutes. Sidewalks shall be located in such places as designated by the Village Board. No person shall remove any sidewalk without the permission of the Village Board.
- (2) Original Construction. The total cost of all work involved in the original construction of sidewalks will be assessed to property owners.
- (3) Replacements. When sidewalks are to be replaced, the property owner will be assessed the entire cost, unless otherwise determined by the Village Board.



- (b) **PERMIT REQUIRED.** No person shall hereafter 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 therefor from the Village Clerk at least seven (7) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (c) **SPECIFICATIONS.** All sidewalks within the Village hereafter shall be repaired, rebuilt and constructed in accordance with the following specifications:
  - (1) **Subgrade.** The subgrade shall be prepared by excavating to the line, grade and cross section as established by the Village Clerk and approved by the Village Board. Soft and unsuitable material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. When so specified by the Village Board or its designee a sub-base of sand, sand and gravel or other approved porous material shall be placed under the sidewalk. On embankments the subgrade shall extend at least one (1) foot beyond each edge of the sidewalk.
  - (2) **Material.** All sidewalks shall be of air entrained concrete composed of six (6) bags per cubic yard of one course construction, and built to the established line and grade. Gravel shall be of good quality. Concrete shall be mixed thoroughly for a minimum of one minute after all materials have been placed in the mixer.
  - (3)
    - a. **Forms.** Concrete shall be placed in straight forms of wood or metal of sufficient strength to resist springing, tipping or other displacement during the process of depositing and consolidating the concrete. Wood forms shall be surfaced plank of at least two (2) inches thickness except for sharply curved sections. Metal forms shall be of approved section. The forms shall be of full depth of the required walk and shall be of such design as to permit secure fastening. Forms shall be thoroughly cleaned and oiled before the concrete is placed against them. Concrete shall be placed in the forms on a moist subgrade, deposited just above the finished grade and consolidated and spaded sufficiently to bring the mortar to the surface and to prevent honeycombing. It shall then be struck off level with the top of the forms and finished with wooden flats.
    - b. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4) inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be one foot strip of street property left between the property line and the edge of the sidewalk.
  - (4) **Width and Thickness.** Residential walks shall be five (5) feet in width and not less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches; provided that walks in residential areas may be repaired or replaced to a width not less than the existing width on the effective date of this Section. Sidewalks in front of commercial or industrial establishments shall be not less than five (5) feet in width and five (5) inches in thickness except within driveway approaches where the minimum thickness shall be seven (7) inches.
  - (5) **Finishing.** Before the last finish has set, the sidewalk shall be steel troweled and brushed in transverse direction. Before the final finishing, the surface shall be checked with a ten (10) foot straight edge and any areas departing more than one-eighth (1/8) inch from the testing edge shall be corrected by adding or removing concrete while the concrete in the walk is still plastic.



- (6) Jointing. Transverse, full depth, one-half (1/2) inch thick expansion joints of premolded expansion material shall be located every forty feet and at the property line, and where the walk intersects another walk, curb line, building or driveway approach, and at buildings, walls, poles and stop boxes. The expansion joint material shall be placed in a neat and workmanlike manner with its upper edge slightly below the finished sidewalk surface. Dummy groove joints for controlled cracking, at least three-eighths (3/8) inch in thickness and five-sixteenths (5/16) inch in depth, shall be placed at intervals of approximately four (4) feet. All joints shall be at right angles to the direction and grade of the walk. Diagonal joints may be used only when approved by the Village Board.
- (7) Curing and Drying. As soon as any of the concrete work hereinbefore mentioned has been finished and hardened sufficiently to prevent excessive marring of the surface, it shall be cured and protected against rapid drying. Failure to comply with this requirement shall be deemed sufficient cause for suspension of the work. Curing shall be accomplished by the "Impervious Coating," "Wet Fabric" or "Paper" methods. For impervious coating or membrane curing, only those materials meeting requirements of ASTM Specs. C156-44T, "Method of Test for Efficiency of Materials for Curing Concrete" shall be used. Said specifications are hereby adopted by reference as if fully set forth herein. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather (below 50 degrees F.) for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below 35 degrees F. in any seventy-two (72) hour period or upon frozen subgrade.
- (d) SIDEWALK REPAIR OR REPLACEMENT. Pursuant to Sec. 66.615, Wis. Stats., the Village Board may order property owners to repair or remove and replace any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of twenty (20) days after service of the notice provided in Sec. 66.615(3)(c), Wis. Stats., the Village Board shall repair or construct such sidewalk and the Village Clerk shall enter the total cost thereof upon the tax roll as a special tax against said lot or parcel of land.
- (e) UNSAFE SIDEWALKS. The Village Board may at any time, by ordinance or resolution, order any sidewalk which is unsafe, defective, or insufficient, to be removed and replaced with a sidewalk in accordance with the standard specifications provided for in this Section.
- (f) CONSTRUCTION AND REPAIR OF CONCRETE CURB AND GUTTER. The provisions of Section 66.60, Wis. Stats., shall be followed in the case of the construction and repair of concrete curb and gutter provided that when curb and gutter replacements are necessary, the cost will be borne by the Village on a one-third (1/3) basis and by the adjacent property owner on a two-thirds (2/3) basis.
- (g) CONSTRUCTION OF CURB AND GUTTER - PETITION. When petitions for curb and gutter are submitted to the Village Board, no construction shall take place unless curb and gutter will be constructed on both sides of any street for an entire block.

State Law Reference: Section 66.615, Wis. Stats.

SEC. 4-2-3 EXCAVATIONS OF STREETS, ALLEYS, PUBLIC WAYS AND GROUNDS.

- (a) PERMIT REQUIRED. No persons, partnership or corporation, or their agents or employees or contractors, shall make or cause to be made any opening or excavation



in any public street, public alley, public way, public ground, public sidewalk or Village owned easement within the Village of Bear Creek without a permit therefor from the Village Clerk.

- (b) FEES. The fee for a street opening permit shall be Fifteen (\$15.00) Dollars for excavation into pavement and Ten (\$10.00) Dollars for any excavation other than pavement on any street or right-of-way. The fee shall be paid to the Village Clerk, who shall issue a receipt therefor.
- (c) INSURANCE REQUIRED. A permit shall be issued only upon condition that the applicant submit to the Village Clerk satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than \$100,000 per one person, \$300,000 for one accident and property damage coverage of not less than \$50,000. The Village shall be listed as a third party insured on the policy.
- (d) BOND.
  - (1) Before a permit for excavating or opening any street or public way may be issued, the applicant must sign a statement in that he will indemnify and save harmless the Village of Bear Creek and its officers from all liability for accidents and damage caused by any of the work covered by his permit, and that he will fill up and place in good and safe condition all excavations and openings made in the street, and will 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, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of two (2) years, and that he will pay all forfeitures imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such statement 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.
  - (2) The person who does such restoration shall be responsible therefor for two (2) years from the date of the completion of the work and shall file a written guarantee or surety bond to that effect with the Village in the amount of Ten Thousand (\$10,000.00) Dollars.
  - (3) Whenever the Village Board shall find that any such work has become defective within two (2) years of the date of completion, it shall give written notice thereof to the contractor or to his surety stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.
  - (4) An annual bond may be given under this Section covering all excavation work done by the principal for one (1) 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.

SEC. 4-2-4 REGULATIONS GOVERNING EXCAVATIONS AND OPENINGS.

- (a) FROZEN GROUND. No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by



- the Village President.
- (b) **REMOVAL OF PAVING.** In any opening or excavation all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
  - (c) **PROTECTION OF PUBLIC.**
    - (1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunrise to sunset. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Village President, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid.
    - (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.
  - (d) **REPLACING STREET SURFACE.** In opening any public street, public alley, public sidewalk, public way, public easement, or public ground, the paving materials sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material which in the opinion of the Village Board or its designee is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed. In refilling the opening, the earth must be puddled or laid in layers not more than six (6) inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench. The Village may elect to have the opening for any street or sidewalk repaired by the Village, 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.
  - (e) **NOTICE.** It shall be the duty of the permittee to notify the Village Clerk and all public and private individuals, firms and corporations affected by the work to be done at least twenty-four (24) hours before such work is to commence. The Village shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
  - (f) **VALIDITY OF PERMIT.** Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Village Board or its designee may extend the time limitation for good cause.
  - (g) **BACKFILLING.** It shall be the duty of the permittee to backfill the opening immediately upon completion of the work and to place at least five (5) inches of traffic bind or similar material in the opening unless otherwise advised by the Village. It shall be the duty of the permittee to maintain the opening in good condition for a period of six months after the completion of the work or until the surface has been restored. The Village Board or its designee shall decide when within said six (6) months period the opening is ready for paving if a paving surface is required. If the



surface is not restored within a period of ten (10) days or such longer period as determined by the Village Board or its designee, the Village may restore the surface and bill the permittee therefor.

- (h) EMERGENCY EXCAVATION. In the event of an emergency, any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his agents and employees 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 firm or corporation shall apply for an excavation permit not later than the next business day.
- (i) EXCAVATION IN NEW STREETS LIMITED. Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Village shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless in the opinion of the Village Board an emergency exists which makes it absolutely essential that the permit be issued.
- (j) APPLICATION FOR PERMIT. The application for a permit shall be in writing and signed by the applicant or his agent. The applicant shall submit to the Village Clerk, at the time the permit is applied for, sufficient information relating to the work to be done including the general location and nature of the work and the method applicant proposes to use in doing the work. The Village Clerk shall determine if sufficient information is submitted.
- (k) EXCEPTION. The provisions of this Section shall not apply to excavation work done by Village employees or contractors performing work under contract with the Village except that the safety precautions under Subsection (c) hereof shall be complied with.

#### SEC. 4-2-5 OBSTRUCTIONS AND ENCROACHMENTS.

- (a) OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds, or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in subsection (b).
- (b) EXCEPTIONS. The prohibition of subsection (a) shall not apply to the following:
  - (1) Signs or clocks attached to buildings which project no more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street, or alley.
  - (2) Awnings now built and extending over any sidewalk at a height of less than seven (7) feet above the sidewalk, street or alley.
  - (3) Public utility encroachments duly authorized by State Law or by the Village Board.
  - (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three (3) feet on a sidewalk, provided such goods, wares, etc. do not remain thereon for more than three (3) hours.



- (5) Temporary encroachments or obstructions authorized by permit under Section 4-2-6 of this Section pursuant to Sec. 66.045, Wis. Stats.
- (6) Building materials for the period authorized by the Village Board which shall not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street, and which do not interfere with flow in the gutters.
- (7) Excavations and openings permitted under Sections 4-2-3 and 4-2-4 of this Code.

SEC. 4-2-6 STREET PRIVILEGE PERMIT.

- (a) WHEN REQUIRED. Permits for the use of the streets, alleys, sidewalks or other public ways or places of the Village may be granted to applicants by the Village Clerk for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or structure, provided such applicant has complied with the other requirements of this subsection and has obtained a building permit if required by this Code of Ordinances.
- (b) BOND. No street privilege permit shall be issued until the applicant shall execute and file with the Village Clerk a bond in an amount determined by the Village Board, not exceeding Ten Thousand (\$10,000.00) Dollars, conditioned that the applicant will indemnify and save harmless the Village from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and 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 street privilege permit shall be in the sum of Ten (\$10.00) Dollars.
- (d) CONDITIONS OF OCCUPANCY. The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Village President or his designee for violation thereof:
  - (1) Such temporary obstruction shall cover not more than one-third (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, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
  - (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 on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
  - (6) Buildings shall be moved only in accordance with the route prescribed by the Village Marshal.
  - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.



- (e) **TERMINATION.** All street privilege permits 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 Village President.
- (f) **REMOVAL BY VILLAGE.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any unlawfully obstructed sidewalk shall refuse or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Village to do so, it shall be the duty of the Village to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

State Law Reference: Section 66.045, Wis. Stats.

SEC. 4-2-7 SNOW AND ICE REMOVAL.

- (a) **OWNER'S RESPONSIBILITY.** The owner, occupant or person in charge of each and every building or structure or unoccupied lot in the Village of Bear Creek fronting or abutting any street shall clean or cause to be cleaned the sidewalk in front of or adjoining each such home, building or unoccupied lot, as the case may be of snow or ice to the width of such sidewalk within twenty-four (24) hours after the snow has ceased to fall and shall cause the same to be kept clear from ice and snow, provided that when the ice has formed on any sidewalk so that it cannot be immediately removed, the persons herein referred to shall keep the same sprinkled with salt, sawdust or sand.
- (b) **VILLAGE'S OPTION TO CLEAR SIDEWALKS.** In any case where the owner, occupant or person in charge of any building or structure or unoccupied lot shall fail to clear their respective sidewalks of snow and ice as set forth above, then and in that event, the Village may elect to clear said sidewalks as follows:
  - (1) Written notice shall be personally served, delivered or mailed informing said person of his or her failure to clear said sidewalk, the Village's intention to clear the same, and the potential costs thereof, no less than twelve (12) hours prior to the Village's clearing said sidewalk.
  - (2) The Village shall clear or cause to be cleared all snow and ice from the subject's sidewalk, and shall charge the expenses of so doing at a rate as established by resolution by the Village Board. The charges shall be set forth in a statement to the Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the statement shall be reported to the Clerk, who shall enter the charges in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate, or as provided under Section 66.615(3)(f), Wisconsin Statutes.
- (c) **DEPOSIT OF SNOW ON STREETS OR SIDEWALKS.** No person shall deposit or cause to be deposited any snow or ice taken and removed from his premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the Village, provided, however, that the removal of snow from a sidewalk in front of or abutting his premises, as is required by Subsection (a), may be deposited on the alley or street. Snow shall not be piled at or near intersections so as to obstruct the view of pedestrians or operators of motor vehicles.



- (d) **PENALTY.** As an alternative to the remedy provided in Subsection (b) above, or in addition thereto the Village may impose a penalty for violation of any provision of this Section, providing that the person who violates any of the provisions of this Section shall forfeit and pay to the Village a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the costs of prosecution for each offense. A separate offense shall be deemed committed during each day (24 hours) or part thereof during which a violation occurs or continues.

State Law Reference: Sections 66.60(16) and 66.615(3)(f) and (5), Wis. Stats.

SEC. 4-2-8 TERRACE AREAS.

- (a) **DEFINITION.** The definition of "terrace" shall be as defined in Section 4-4-2(f).
- (b) **NOXIOUS WEEDS; PAVING.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants, and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee.
- (c) **RESPONSIBILITY TO MAINTAIN.** Every owner of land in the Village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.
- (d) **STREET RIGHTS OF WAY.** Any tree, shrub, hedge, fence or other obstruction planted or constructed within the right-of-way of any Village street shall be done at the property owner's risk and shall be in accordance with the provisions of Title 4, Chapter 4 of this Code of Ordinances. In the event any street is widened or sidewalk constructed, any such planting or obstruction shall be removed at the property owner's expense.

Cross Reference: Title 4, Chapter 4.

SEC. 4-2-9 VAULTS.

All vaults under sidewalks in the Village shall be constructed of brick, concrete block, or poured concrete. The surface opening into the street shall be within three (3) feet of the outer edge of the sidewalk, or the curb. The slab over such vault shall be able to withstand a load of two hundred fifty (250) pounds per square foot of slab area. The owner of any lot or parcel of land adjoining such vault shall maintain such vault and slab over in a safe condition and at his own expense.

SEC. 4-2-10 DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON  
SIDEWALKS.

No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back or over, any public sidewalk in the Village. When the eaves of any building extend over or are so constructed that water



may fall therefrom or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain therefrom or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty, as provided in Section 1-1-6 of this Code of Ordinances.

SEC. 4-2-11 SALE OR DISPLAY OF MERCHANDISE PROHIBITED.

No person shall display, sell, or offer to sell, on any street, sidewalk, alley or other public place within the Village, anything of value or service of any kind, except in connection with a Village-wide enterprise or promotion of community trade.

SEC. 4-2-12 REQUESTS FOR IMPROVEMENTS.

Requests or petitions by Village property owners for new streets, curb and gutter, and sidewalks shall be presented to the Village Board on or before October 1 to be considered for installation in the following year.



## CHAPTER 3

### Driveways

- §4-3-1 Driveways
- §4-3-2 Permittee Liable for Damage or Injury

#### SEC. 4-3-1 DRIVEWAYS.

- (a) **PERMIT REQUIRED.** Unless otherwise especially permitted by resolution of the Village Board, upon written application giving the reason therefor, no person shall construct, repair or reconstruct any driveway across or through any sidewalk or curbing without having first obtained a permit from the Village Clerk for which a fee in the sum of Five (\$5.00) Dollars shall be charged. Such permit shall be issued upon an application form provided by the Village and shall contain such information as the Village Board shall deem necessary.
- (b) **INSTALLATION REQUIREMENTS.**
  - (1) Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, and a minimum of sixteen (16) feet wide at the property line for all other uses, but shall not exceed twenty-four (24) feet at the outer or street edge.
  - (2) No driveway shall be closer than ten (10) feet to extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village Board for effective traffic control or for highway signs or signals. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes, vehicular sales, service, washing and repair stations; garages, or public parking lots shall be not less than two hundred (200) feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
  - (3) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be so constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way. When required by the Village Board so as to provide for adequate surface water drainage along the abutting street, the property owner shall provide any necessary culvert pipe at such owner's expense.
  - (4) No more than one driveway entrance and approach shall be constructed for any lot or premises except where deemed necessary and feasible without the impairment of safety, convenience and utility of the street by the Village Board. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place. Any costs or relocating utilities shall be the responsibility of the property owner with approval of the Village Board necessary before any utility may be relocated and the driveway installed.
  - (5) **Workmanship and Materials.** All driveway entrances and approaches which are constructed across sidewalks shall be paved in accordance with the requirements for sidewalk construction in Section 4-2-2(c) of this code insofar as such requirements are applicable, including thickness requirements in Section 4-2-2(c).



- (c) PERMIT APPLICATIONS. Permit applications shall be made at least twenty-four (24) hours in advance of intended installation but this shall not be deemed to be a limitation of time within which a permit must be granted, and the Village Clerk shall have such time as reasonably necessary for examination and consideration of any application before granting the permit, subject always to specific direction of the Village Board.

SEC. 4-3-2 PERMITTEE LIABLE FOR DAMAGE OR INJURY.

The permittee shall assume all responsibility for any injury or damage to persons or property resulting directly or indirectly during construction or repair of driveway approaches or entrances. When curb or gutter is removed, the new construction shall be of equivalent acceptable material and curb returns provided or restored in a neat, workmanlike manner. Driveway surfaces shall connect with the street pavement and sidewalk in a neat, workmanlike manner.



## CHAPTER 4

### Trees and Shrubs

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#### SEC. 4-4-1 STATEMENT OF POLICY AND APPLICABILITY OF CHAPTER.

- (A) INTENT AND PURPOSE. It is the policy of the Village to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public areas and terrace areas of the Village to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village against the spread of disease, insects or pests.
- (b) APPLICATION. The provisions of this chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace areas and also to all trees and shrubs growing or to be planted in or upon any private premises which shall threaten the life, health, safety or welfare of the public or of any public areas.

#### SEC. 4-4-2 DEFINITIONS.

Whenever the following words or terms are used in this chapter, they shall be construed to have the following meanings:

- (a) PERSON. "Person" shall mean person, firm, association or corporation.
- (b) PUBLIC AREAS. "Public Areas" includes all public parks and other lands owned, controlled or leased by the Village except the terrace areas.
- (c) PUBLIC TREES AND SHRUBS. "Public Trees and Shrubs" means all trees and shrubs located or to be planted in or upon public areas.



- (d) PUBLIC NUISANCE. "Public Nuisance" means any tree or shrub or part thereof which by reason of its condition interferes with the use of any public area; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property.
- (e) BOULEVARD AREAS. "Boulevard Areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area four feet from the curb line shall be deemed to be a boulevard for the purpose of this Chapter. "Boulevard" shall also mean "terrace".
- (f) CLEAR-SIGHT TRIANGLE. "Clear-Sight Triangle" means a triangle formed by the curb lines of two intersecting right-of-ways and a third line connecting a full-view zone at corners of streets, alleys and highways.
- (g) MAJOR ALTERATION. Trimming a tree beyond necessary trimming to comply with this Chapter.
- (h) SHRUBS. "Shrub" shall mean any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (i) TREE. "Tree" shall mean any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.
- (j) VILLAGE. "Village" means the Village of Bear Creek, Wisconsin.

SEC. 4-4-3 FORESTER DESIGNATED; AUTHORITY OF VILLAGE FORESTER TO ENTER PRIVATE PREMISES.

- (a) The Village Board shall designate a municipal employee or citizen to perform the duties of Forester under Ch. 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed by this Chapter.
- (b) The Village Forester or his authorized representative may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such premises and carrying out any of the provisions of this Chapter.

SEC. 4-4-4 INTERFERENCE WITH THE VILLAGE FORESTER PROHIBITED.

No person shall interfere with the Village Forester or his authorized representative while they are engaged in carrying out any work or activities authorized by this Chapter.

SEC. 4-4-5 ABATEMENT OF TREE DISEASE NUISANCES.

- (a) DUTCH ELM AND OTHER TREE DISEASES A PUBLIC NUISANCE. Whereas the Village Board has determined that there are many trees growing on public and private premises within the Village, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private premises and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease, which is spread by the elm bark beetles Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.), the Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases and specifically declares Dutch Elm disease and the elm bark beetles which carry such disease to be public nuisances.



(b) DEFINITIONS. As used in this Section, unless otherwise clearly indicated by the context:

- (1) "Public Nuisance" means:
  - a. Dutch Elm disease.
  - b. Elm bark beetles Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.).
  - c. Any living or standing elm tree or part thereof infected with the Dutch Elm disease fungus or in a weakened condition which harbors any of the elm bark beetles, Scolytus multistriatus (Eichb.) or Hylurgopinus rufipes (Marsh.).
  - d. Any dead elm tree or part thereof, including logs, branches, stumps, firewood or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle destroying concentrate.
  - e. Any other deleterious or fatal tree disease.
- (2) "Public property" means owned or controlled by the Village, including without limitation because of enumeration, public sites, parks, playgrounds, streets, alleys, sidewalks, boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.
- (3) "Person" means person, firm or corporation.

(c) INSPECTION.

- (1) The Village Forester shall inspect or cause to be inspected at least twice each year all premises and places within the Village to determine whether any public nuisance exists thereon. He shall also inspect or cause the inspection of any elm tree reported or suspected to be infected with the Dutch Elm disease or any elm bark bearing materials reported or suspected to be infested with elm bark beetles.
- (2) Whenever necessary to determine the existence of Dutch Elm disease or elm bark beetles in any tree, the person inspecting such tree shall remove or cut specimens from the tree in such manner as to avoid permanent injury thereto and deliver such specimens to the Forester who shall forward them to the Wisconsin Department of Agriculture at Madison for analysis to determine the presence of such nuisances.
- (3) The Forester and his agents or employees shall have authority to enter upon private premises at reasonable time for the purpose of carrying out any of the provisions of this section.

(d) ABATEMENT OF NUISANCES; DUTY OF FORESTER.

- (1) The Forester, with the approval of the Village Board, shall order, direct, supervise and control the abatement of public nuisances as defined in this section by spraying, removal, burning or by other means which he determines to be necessary to prevent as fully as possible the spread of Dutch Elm disease fungus, other deleterious tree diseases or the insect pests or vectors known to carry such diseases.
- (2) Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, he shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of Dutch Elm disease, other deleterious tree diseases, or the insect pests or vectors known to carry such disease fungus.
- (3) a. When the Forester shall determine with reasonable certainty that a public nuisance exists upon private premises, he shall immediately serve or cause to be served personally or by registered mail upon the owner of such property, if he can be found, or upon the occupant thereof, a written notice



of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.

- b. If after hearing held pursuant to this subsection, it shall be determined by the Village Board that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(e) **SPRAYING.**

- (1) Whenever the Forester shall determine that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition or harbors elm bark beetles, he may cause all trees within a one thousand (1,000) foot radius thereto be sprayed with an effective elm bark beetle destroying concentrate or other insecticide.
- (2) In order to facilitate the work and minimize the inconvenience to the public of any spraying operations conducted under this section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be sprayed at least twenty-four (24) hours in advance of spraying. When any residue or concentrate from municipal spraying operations can be expected to be deposited on any public street, the Forester shall also notify the Village Marshal, who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.
- (3) When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with subsection (b) of this section, the Village shall not allow any claim for damages to any vehicle caused by such spraying operations.
- (4) When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d)(3).

**SEC. 4-4-6 ASSESSMENT OF COSTS OF ABATEMENT.**

- (a) Fifty (50%) percent of the cost of abating any public nuisance or spraying trees as defined herein shall be charged to and assessed against the parcel or lot abutting on the street, alley, terrace, boulevard or parkway upon or in which such tree is located



- or the parcel or lot upon which such tree stands in accordance with Section 66.60(16) or Section 27.09, Wis. Stats. The cost of abating any such nuisance or part thereof which is located in or upon any park or public grounds shall be borne by the Village.
- (b) The cost of abating a public nuisance or spraying elm trees or elm wood located on private premises when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:
- (1) The Forester shall keep a strict account of the cost of such work or spraying and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.
  - (2) Upon receiving the Forester's report, the Village Board shall hold a public hearing on such proposed charges, giving at least fourteen (14) days advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the Village and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his premises and the work for which such charge is being made.
  - (3) After such hearing, the Board shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.
  - (4) The Village Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his last known address, stating that unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
  - (5) The Village hereby declares that in making assessments under this section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

SEC. 4-4-7 PERMIT FOR PLANTING, MAINTENANCE AND REMOVAL OF TREES AND SHRUBS.

- (a) PERMIT REQUIRED. No person, except upon order of the Village Forester, shall plant or remove, or do major alterations as determined by the Forester on a tree or shrub in the public right-of-way terrace area or any public area or cause such act to be done by others without first obtaining a written permit for such work from the Village Forester or Village Clerk as herein provided.
- (b) PERMIT EXEMPTIONS. No permit shall be required to cultivate, fertilize or water trees or shrubs. No permit is necessary to plant trees inside the property line.
- (c) PERMIT REQUIREMENTS AND CONDITIONS. If the Village Forester determines that the proposed work or planting described in an application for a permit is necessary and in accord with the purposes of this Chapter taking into account the safety, health and welfare of the public, location of utilities, public sidewalk, driveways and street lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological need of the genus, species and variety of tree or shrub, he shall have the Forester issue a permit to the applicant.



- (d) **PERMIT FORM; EXPIRATION, INSPECTION.** Every permit shall be issued by the Village Forester on a standard form and shall include a description of the work to be done and shall specify the genus, species and variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this section shall expire six months after date of issuance. There will be no charge for this permit.
- (e) **PERMITS TO PUBLIC UTILITIES.**
  - (1) Whenever a permit is issued under this Section to a public utility to remove, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit. The expense of such inspection or supervision shall be charged to the utility at the usual Village rate.
  - (2) A public utility may secure an annual working agreement with the Village Forester's office which gives the Village Forester the authorization to supervise and direct work done associated with trees and shrubs.

**SEC. 4-4-8 PLANTING OF TREES AND SHRUBS.**

- (a) **PLANTING.**
  - (1) The size and genus, species and variety of trees and shrubs to be planted in public areas and boulevards and the manner of planting shall be submitted to the Village Forester for approval before commencement of such work. The permit application process is required in Section 4-4-7.
  - (2) There shall be a minimum distance of sixteen (16) feet and a recommended distance of twenty-five (25) to fifty (50) feet between terrace area trees depending upon the size of tree and other factors. Terrace trees shall be planted equal distance between the sidewalk or proposed sidewalk and back of the curb or proposed back of curb. In terrace areas less than three feet wide planting will not be permitted.
  - (3) Pine or fir trees shall not be planted in a terrace area.
  - (4) It shall be unlawful to plant or maintain shrubbery, ground cover, or other plants within terrace areas whose growth is in excess of eight inches in height above the top of the nearest curb.
- (b) **UNLAWFULLY PLANTED TREES.** Trees, plants or shrubs planted within any terrace or planting easement without the authorization and approval of the Forester may be removed. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village may remove such trees, plants or shrubs and assess the costs thereof to the owner.
- (c) **FRAMES.** Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the purpose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.

**SEC. 4-4-9 TRIMMING.**

- (a) Trees and shrubs standing in or upon any boulevard, public areas, or upon any private premises adjacent to any public right-of-way or public areas shall be kept trimmed



so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if he determines that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.

- (b) The necessity of the pruning may be determined by the Village Forester.
- (c) Clearance from sidewalk to lower branches shall not be less than ten (10) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than ten (10) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
- (d) All cuts above one-inch diameter shall be treated with a tree wound compound.

SEC. 4-4-10 TREES AND SHRUBBERY OBSTRUCTING VIEW AT INTERSECTION  
OR VIEW OF TRAFFIC SIGNS.

- (a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two or more streets or alleys in the Village, any hedge, tree, shrub, or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) It is unlawful for any person to plant, cause to grow, allow to grow, or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Village. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign, shall be deemed to be dangerous to public travel and the Forester shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.

SEC. 4-4-11 REMOVAL OF TREES AND STUMPS.

- (a) DANGEROUS, OBSTRUCTIVE AND INFECTED TREES. Any tree or part thereof, whether alive or dead, which the Village Forester shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Village Forester subject to Section 4-4-15 shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than twenty-four (24) hours nor more than fourteen (14) days as determined by the Village Forester on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Village Forester shall cause the tree to be removed, treated or trimmed



and shall report the full cost thereof to the Village Clerk, who shall thereupon enter such cost as a special charge against the property.

- (b) **REMOVAL STANDARDS.** In cutting down trees located in public and terrace areas, the tree must be removed with the root stump grubbed out, or ground out to a depth of at least nine inches below grade measured in a straight line; normal grade of sidewalk to top of nine inches below grade measured as a straight line, normal grade of sidewalk to top of curb. All wood and debris must be removed from the street prior to the end of each working day and all holes shall be filled to normal grade level with topsoil as soon as practicable.

#### SEC. 4-4-12 PROHIBITED ACTS.

- (a) **DAMAGE TO PUBLIC TREES.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a terrace area tree, public tree or shrub do or cause to be done by others any of the following acts:
  - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around, or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
  - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
  - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
  - (5) Attach any sign, poster, notice, or other object on any tree, or fasten any guide wire, cable, rope, nails, screws, or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work, or parades.
  - (6) Cause or encourage any fire or burning near or around any tree.
- (b) **EXCAVATIONS.** All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten feet from any public tree without a permit from the Village Forester.
- (c) **INTERFERENCE WITH FORESTER.**
  - (1) Interferes with or prevents any acts of the Forester or his agents or employees while they are engaged in the performance of duties imposed by this Section.
  - (2) Refuses to permit the Forester or his duly authorized representative to enter upon his premises at reasonable times to exercise the duties imposed by this Section.
- (d) **REFUSAL TO ABATE NUISANCE.** Permits any public nuisance to remain on any premises owned or controlled by him when ordered by the Forester to abate such nuisance.



SEC. 4-4-13 APPEAL FROM DETERMINATIONS OR ORDERS.

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Chapter 63, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing the Village Board may reverse, affirm, or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall by letter notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded and file its written decision with the Village Clerk.

SEC. 4-4-14 ADOPTION OF STATE STATUTES.

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

State Law Reference: Sections 27.09 and 86.03, Wis. Stats.

SEC. 4-4-15 PLANTING OF CERTAIN SPECIES RESTRICTED.

- (a) COTTONWOOD AND BOX ELDER TREES PROHIBITED. No person shall plant within the Village any female tree of the species Populus Deltoides, commonly called the "Cottonwood", or any tree commonly called the seed-bearing Box Elder or Acer Negundo, which may now or hereafter become infested with Box Elder bugs, and such trees are hereby declared a nuisance. If any owner planting any such tree shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village Forester shall cause the removal of such tree and report the full cost thereof to the Village Clerk who shall place such charge upon the next tax roll as a special charge against the premises.
- (b) PLANTING OF CERTAIN TREES RESTRICTED. No person shall hereafter plant any Catalpa, Chinese Elm, White Poplar, Lombardy Poplar, or any fruit or nut tree in or upon any public street, parkway, boulevard or other public place within the Village unless he shall first secure written permission from the Village Forester, who shall not approve any such planting if in his opinion said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this subsection.



## CHAPTER 5

### Regulation of Parks

§4-5-1	Park Regulations
§4-5-2	Radio-Controlled Model Airplanes Prohibited in Parks
§4-5-3	Use of Metal Detectors on Public Property
§4-5-4	Park Hours

#### SEC. 4-5-1 PARK REGULATIONS.

- (a) **PURPOSE AND DEFINITION.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the Village from injury, damage or desecration, these regulations are enacted. The term "park", as hereinafter used in this chapter, shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Village.
- (b) **SPECIFIC REGULATIONS.**
- (1) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park. No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, direct, rubbish, waste, garbage, refuse, or other trash in any park area within the Village.
  - (2) Sound Devices. No person shall operate or play any amplifying system unless specific authority is first obtained from the Village Board.
  - (3) Pets. No person shall permit any cat or other pet owned by him to run at large in any park. Dogs are prohibited from being in all parks.
  - (4) Bill Posting. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Village Board.
  - (5) Throwing Stones and Missiles Prohibited. No person shall throw stones or other missiles in or into any park.
  - (6) Removal of Park Equipment Prohibited. No person shall remove benches, seats, tables or other park equipment from any park without the permission of the Village Board.
  - (7) Trapping. No person shall trap in any park unless specific written authority is first obtained from the Village Board.
  - (8) Making of Fires. No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
  - (9) Protection of Park Property. No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park or any public recreational facilities.
  - (10) Motorized Vehicles. No person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted.



- (11) Snowmobiles. No person shall operate a snowmobile in a Village park except in designated areas.
- (12) Speed Limit. No person shall operate any vehicle in a Village park in excess of 15 m.p.h. unless otherwise posted.
- (13) Glass Beverage Bottles in Parks Prohibited. No person shall possess any glass beverage bottle within the limits of the parks of the Village.
- (14) Reckless Driving in Parks Prohibited. No person shall operate a motor vehicle in a reckless manner in any of the public parks of the Village.
- (15) Parking in Parks. No person shall park any motor vehicle in any park in the Village except in a designated parking area.
- (16) Horse and Carriages. No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Village Board is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-drawn vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others.
- (17) Camping. Camping in all Village parks is prohibited.

SEC. 4-5-2 RADIO-CONTROLLED MODEL AIRPLANES PROHIBITED IN PARKS.

No person shall fly a radio-controlled model airplane in any park in the Village of Bear Creek except in areas specifically designated and posted for such purpose.

SEC. 4-5-3 USE OF METAL DETECTORS ON PUBLIC PROPERTY.

Absent authorization by the Village Board, the use of metal detectors and digging for buried objects on Village property, except beaches where no vegetation is present, is prohibited.

SEC. 4-5-4 PARK HOURS.

No person or persons shall enter into or pass through Village park areas between the hours of 10:00 p.m. to 6:00 a.m. daily, except on those occasions when permission has been granted by the Village Board for organized activities such as athletic events and/or holiday celebrations.