CHAPTER 8
PUBLIC WORKS

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8.01 OFFICIAL MAP.

(1) ADOPTED. The official Map of the City is as set forth in Ordinance #298 – 10/7/40; Ordinance #483 – 2/9/53; Ordinance #502 – 4/12/54; Ordinance #A6 – 3/23/61 of the Village of Barton; Ordinance #706 – 10/18/65; Ordinance #987 – 2/17/69. All maps referred to in said Ordinances are on file in the office of the Department of Economic and Community Development.

(2) AMENDMENTS TO OFFICIAL MAP: Ordinance #2083 – 9/21/92; Ordinance 2108 – 4/5/93; Ordinance No. 2220 – 8/7/95; Ordinance 2279 – 4/28/97; Ordinance No. 2414 – 10/8/01.

(3) CHANGES AND AMENDMENTS. The Council may, whenever and as often as it may deem it for the public interest, and after a public hearing as provided in §62.23(6)(b), Wis. Stats., change or add to the Official Map of the City so as to establish the exterior lines of planned new streets, highways, parkways, parks and playgrounds or to widen, narrow, extend or close existing streets, highways or parkways.

(4) REGISTRATION. The City Clerk shall file with the Register of Deeds of Washington County a certification showing that the City has established an official map and shall do likewise as to any changes or additions.

(5) PERMITS. For the purpose of preserving the integrity of the Official Map, no building shall be erected or located within the bed of any street, highway or parkway shown on the Official Map unless a permit therefor shall first have been applied for and issued in accordance with §62.23(6)(d), (e), (f) and (g), Wis. Stats. The applicant for such a permit shall submit to the Building Inspector, with his application, an accurate plot plan, certified to by a qualified surveyor, showing the exact location of the proposed building with reference to any street, highway or parkway shown on the Official Map.

8.02 STREET AND SIDEWALK GRADES.

(1) ESTABLISHMENT. The grade of all streets, alleys and sidewalks shall be established and described by the Council by resolution and shall be recorded by the Clerk in his office. No street, alley or sidewalk shall be worked until the grade thereof is established.

(2) ALTERING GRADE PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, unless authorized or instructed to do so by the Council.

8.03 PLANS AND SPECIFICATIONS FOR PUBLIC WORKS.

Whenever any public work enumerated in this chapter is ordered constructed or improved, plans and specifications shall be submitted to the Board of Public Works, or its designee, for approval or correction, and when finally approved shall be filed with the City Clerk; when so filed, all such public work shall conform with such plans and specifications. Such work shall be in accordance with "The Standard Specifications for Public Works Construction in the City of West Bend, Wisconsin," current edition.

8.04 STREET AND SIDEWALK EXCAVATIONS OR OBSTRUCTIONS.

(1) PERMIT REQUIRED. No person shall, without first obtaining a permit from the Director of Public Works;

(a) Make any opening in any street, alley, sidewalk or any public way.

(b) Make any excavation adjacent to any street, alley, sidewalk or other public way which would endanger the traveling public.

(c) Raze, build or repair any building adjacent to any sidewalk.

(d) Use any street or sidewalk to store building materials.

(e) Install any utility pole.

(f) Remove any trees in a street right of way.

(2) APPLICATION. Application for a permit shall be made on a form supplied by the Director of Public Works. The application shall be accompanied by a signed agreement to save the City harmless from any liability arising from the work or activity covered by the permit and the fee provided in sub. (3) below and, unless waived by the Director of Public Works, the following:

(a) Plans and specifications for the work (see sec. 8.03 of this chapter).

(b) (Rep. & Recr. Ord. #2032 – 1/25/91). A certificate of insurance evidencing that the applicant has in force and will maintain during the term of the permit, public liability insurance with limits of liability not less than those specified in the City of West Bend Standard Specifications for Public Works Construction.

(c) (Am. Ord. #2782 – 4/2/16; Rep. & Recr. Ord. #2032 – 1/25/91). A deposit as determined from time to time by the Director of Public Works to insure compliance with all requirements.

(3) FEE. (Rep. & Recr. Ord. #2032 – 1/25/91; Rep. & Recr. Ord. #2262 - 10/14/96; Am. Ord. #2619 – 11/5/07). The permit fee shall be determined from time to time by the Common Council.

(4) REQUIREMENTS FOR THE PROTECTION OF THE PUBLIC. (Rep. & Recr. Ord. #2032 – 1/25/91). The permittee shall assume responsibility for the protection of the public within the construction area until it has been fully restored. This shall include, but not be limited to, the acquisition, placement and maintenance of barricades, flashers, warning signals, fencing and/or other means as may be appropriate to the type of construction being undertaken. All markings, signage, barricades, flashers and other traffic control devices shall be in conformance with the "Manual on Uniform Traffic Control Devices for Streets and Highways," latest edition, as prepared by the U.S. Department of Transportation, Federal Highway Administration, especially Part VI, "Construction and Maintenance," and other applicable sections. All necessary precautions shall be taken by the permittee to effectively guard the public from accidents or damage to persons or property through the period of the work.

(5) REFILLING EXCAVATION REQUIREMENTS. (Rep. & Recr. Ord. #2032 – 1/25/91). The permittee shall comply with sec. 8.03 of this chapter governing the refilling of trenches.

(6) ADDITIONAL REQUIREMENTS (Cr. Ord. #1789 – 12/2/85; Rep. & Recr. Ord. #2032 – 1/25/91). The Board of Public Works may impose requirements, provisions and conditions stricter than, or in addition to, those specified in this section.

(7) FAILURE TO OBTAIN PERMIT (Cr. Ord. #2782 – 4/2/16). In the event any work within the public right-of-way is started prior to the issuance of a permit:

(a) Work shall stop immediately and the contractor shall take all necessary measures to insure the safety of the public in the work area until a permit has been issued; and

(b) Each day from the commencement of construction until the issuance of a permit shall be a separate violation under Sections 8.25 and 25.04; Municipal Code; and

(c) The responsible party shall pay a double permit fee; and

(d) The Director of Public Works may require the responsible party to remove any work product.

8.05 OBSTRUCTIONS AND ENCROACHMENTS.

(1) 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 sub. (2) below.

(2) EXCEPTIONS. The prohibition of sub. (1) above shall not apply to the following:

(a) Public Utility encroachments duly authorized by State law or by the Council.

(b) (Am. Ord. #1896 – 6/13/88). Excavations or obstructions permitted under sec. 8.04 of this chapter or other provisions of this Code.

8.06 STREET CONSTRUCTION.

(1) INITIAL CONSTRUCTION. Except as provided in ch. 18 of this Code relating to street construction in new subdivisions, all new streets shall be constructed by the City.

(2) COST. The total cost of the initial street construction, except for arterial streets, shall be borne by the abutting property owners. The cost of arterial streets shall be shared between the abutting property owners and the City in a manner determined by the Council.

(3) INSTALLATION OF UTILITIES REQUIRED. Where the location of laterals can be determined, no street shall be surfaced until the abutting property owners on the portion of the street to be surfaced shall have installed sanitary sewer mains, sanitary sewer laterals, water mains, water service laterals and storm sewer mains where required by the Council.

8.07 SIDEWALKS. (Rep. & Recr. Ord. #2352 - 12/6/99)

(1) INITIAL CONSTRUCTION. Upon a determination by the Common Council that sidewalk shall be constructed in a designated area, the City Engineer shall notify the abutting property owners that they may install such sidewalk within 20 days as provided in sec. 66.0907, Wis. Stats., in accordance with the grade, location and specifications established by the City. In the event the sidewalk is not so installed within 20 days by the property owner, the City shall install the sidewalk and the total cost thereof shall be charged against the property as a special tax as provided in sec. 66.0907, Stats.

(2) SIDEWALK REPLACEMENT. When, in the opinion of the City Engineer, it becomes necessary to replace defective sidewalk:

(a) Owner Responsible. The sidewalk shall be removed and replaced, without cost to the City, as provided in sec. 66.0907, Wis. Stats., if:

1. The sidewalk was damaged by the owner or occupant of the property or by anyone acting with the permission of the owner or occupant of the property or by anyone acting under a contract with the owner or occupant of the property; or

2. The sidewalk was last constructed without a permit being issued before such construction; or

3. The sidewalk was not constructed by the City and, in the opinion of the City Engineer, the defect was caused by defective construction.

(b) City Responsible. If the sidewalk was last constructed less than five years before the determination by the City Engineer that replacement is necessary, and if none of the conditions set forth in (a) apply, then the City shall replace the sidewalk at its expense.

(c) Shared Responsibility. If neither (a) nor (b) applies, then:

1. The City shall construct the sidewalk and one-half of the cost shall be charged against the abutting property as provided in sec. 66.0907, Wis. Stats.; or

2. The abutting property owner may obtain a permit and perform the work as provided in sec. 8.09 in which case the City shall reimburse the property owner one-half of the reasonable construction cost as determined by the City Engineer.

8.08 DRIVEWAYS. (Rep. & Recr. Ord. #2352 - 12/6/99)

(1) REQUIREMENTS. In addition to any other requirements of this Code, any portion of a driveway within a street right-of-way shall meet the following requirements:

(a) It shall be constructed in accordance with specifications as provided in section 8.03 of this chapter;

(b) It shall be in accordance with the width and location standards set forth in chapter 17 of this Code; and

(c) (Amend. Ord. #2798 – 8/21/17) (Amend. Ord. # 2494 – 9/8/03) It shall be paved with Portland cement concrete, except that asphalt may be used if approved by the city engineer or in accordance with an approved site plan in the following areas:

*On the building side of the sidewalk

*On the street side of the sidewalk in rural cross-sections where there is no curb and gutter to meet the street edge of the apron.

(2) NONCONFORMING DRIVEWAYS A NUISANCE. Any driveway not conforming with the requirements of this section is hereby declared to be a public nuisance and such nuisance may be abated pursuant to sec. 10.06 of this Code.

8.09 SIDEWALK AND DRIVEWAY PERMITS. (Rep. & Recr. Ord. #2096 – 1/25/93; Rep. & Recr. Ord. #2352 - 12/6/99; Am. Ord. #2585 - 2/13/06).

(1) PERMIT REQUIRED. No sidewalk or driveway within street right-of-way shall be removed, replaced, altered or installed until the property owner has obtained a permit therefor from the
City Engineer. Application for a permit shall be made in writing on a form furnished by the City Engineer.

(2) FEE. (Am. Ord. #2608 - 3/12/07).

(a) The permit fee shall be $25 for replacement of up to 25 square feet of sidewalk if the replacement is pursuant to sec. 8.07(2)(c). If replacement is pursuant to sec. 8.07(2)(a), the permit fee for replacement of up to 25 square feet of sidewalk shall be $50.

(b) (Am. Ord. #2608 - 3/12/07). The permit fee shall be $50 for the replacement of more than 25 square feet of sidewalk if the replacement is pursuant to sec. 8.07(2)(c). If replacement is pursuant to sec. 8.07(2)(a), the permit fee for replacement of more than 25 square feet of sidewalk shall be $100.

(c) (Am. Ord. #2608 - 3/12/07). The permit fee shall be $100 for the initial installation of a driveway approach, with or without a curb cut, or for installation or replacement of a driveway approach and any amount of sidewalk. No permits will be issued for just the curb cut for a driveway.

(d) The permit fee shall be $100 for initial construction of any amount of sidewalk.

(e) (Am. Ord. #2608 - 3/12/07). The permit fee shall be $65 for replacement or widening of an existing driveway approach in its current location. If sidewalk is damaged during the course of replacing or widening the driveway approach, the damaged sidewalk shall be replaced pursuant to sec. 8.07(2)(a)1 and the permit fee will increase to a total of $100 which will cover the replacement of the sidewalk and the driveway approach.

(f) (Cr. Ord. #2608 - 3/12/07). There shall be no permit fee for replacement of sidewalk if the replacement is pursuant to sec. 8.07(2)(b)

(g) (Cr. Ord. #2679 – Effective January 1, 2011). There shall be a $25 re-inspection fee charged to the property owner anytime an appointment is made with the City Engineer's Office for inspection of sidewalk or driveway approach work and the property owner or the property owner's contractor is not ready for the inspection at the scheduled appointment time requiring the Engineering Department inspector to return at another time. No re-inspection fee shall be charged if the scheduled appointment with the Engineering Department inspector is cancelled at least one hour prior to the scheduled appointment time.

(3) WAIVER AND CONSENT TO ASSESSMENT. At the time of application for the aforesaid permit, the owner shall file with the City Engineer a consent and waiver for the removal of said sidewalk or driveway and the replacing of the same which shall provide that in the event the City Engineer shall determine that said sidewalk or driveway does not conform with the materials, locations, grades, or other specifications of this Code or the permit, and upon notice being given that the sidewalk or driveway does not conform, the City may immediately remove the same and replace it, and the expense so incurred shall be entered by the City Clerk on the tax roll as a special tax or special charge against the property and the same shall be collected in all respects like other taxes upon real estate.

(4) FAILURE TO OBTAIN PERMIT. In the event any work on a sidewalk or driveway within the right-of-way is started prior to a permit being issued therefor: (a) Each day from the commencement of the construction until a permit is issued shall be a separate violation under secs. 8.25 and 25.04; and

(b) The property owner shall pay double the permit fee; and

(c) The City Engineer may require the property owner to remove any work completed.

(5) INSPECTION. At appropriate times designated by the City Engineer during work permitted under this section and promptly upon completion of the work, the permittee shall notify the City Engineer so that the work may be inspected to determine that it conforms with the permit and the requirements of this Code.

8.10 (Rep. Ord. #2352 – 12/6/99).

8.11 SANITARY SEWERS.

(1) (Rep. Ord. #2224 – 9/25/95).

(2) (Rep. Ord. #2224 – 9/25/95).

(3) SEWER LATERALS. Sewer laterals shall be installed by the property owner upon obtaining a plumbing permit as provided in ch. 15 of this Code and an excavation permit as provided in sec. 8.04 of this chapter. No excavation permit is required for installing laterals in a new subdivision.

8.12 WATER MAINS.

(1) EIGHT INCH MAINS. The full cost of installing 8 inch water mains, or an 8 inch equivalent if oversized mains are installed, shall be assessed against the property directly benefited thereby.

(2) (Rep. Ord. #2095 – 1/25/93).

(3) WATER LATERALS. Water laterals shall be installed by the property owner upon obtaining a plumbing permit as provided in ch. 15 of this Code and an excavation permit as provided in sec. 8.04 of this chapter. No excavation permit is required for installing laterals in a new subdivision.

8.13 STORM SEWER CONSTRUCTION.

(1) COST. The full cost of storm sewer improvements shall be borne by the benefiting property owners and shall be assessed on an area basis.

(2) LATERALS. The full cost of storm sewer laterals shall be paid by the benefiting property owner.

8.14 REMOVAL OF SNOW AND ICE FROM SIDEWALKS.

(1) DUTY OF OWNER OR OCCUPANT. The owner or occupant of any lot or lands within the City abutting upon a public street along the line of which a sidewalk shall have been constructed shall, whenever such sidewalk shall become encumbered with snow or ice, clear the same there from within 24 hours after the cessation of each storm. In case it is impossible or impractical to remove the ice there from, he shall treat the same with sand, cinders, ashes, salt or some other substance continuously until removed so that such sidewalk will not be slippery or dangerous to pedestrians. In case of the failure of any such owner or occupant to remove such snow or ice from such sidewalk or to treat such ice as hereinbefore set forth within the time aforesaid, it shall be the duty of the Director of Public Works to do so and the expense of such removal or treatment shall become a special tax or charge against the property, to be collected in the manner hereinafter specified.

(2) DEPOSIT OF SNOW OR ICE (Rep. & Recr. Ord. #1874 – 3/7/88). No person shall deposit or cause to be deposited any snow or ice upon any sidewalk or upon the paved portion of any street, alley or highway in the City except as follows:

(a) This subsection does not apply to City employees in the course of their employment by the City.

(b) Persons clearing snow or ice from sidewalks, as required by sub. (1) above, where the sidewalk abuts the paved portion of a street on one side and abuts a building on the other may deposit the snow or ice on the street as near as possible to the curb.

(3) DISCHARGE OF WATER. (Rep. & Recr. Ord. #2141 – 2/14/94) No person shall cause or permit water to be discharged from a sump pump, downspout or other source in such a manner that it causes ice to form on any sidewalk, street, alley or other public way.

(4) REMOVAL BY CITY (Cr. Ord. #1874 – 3/7/88; Rep. & Recr. Ord. #2141 - 2/14/94). If snow or ice is not removed from sidewalks or treated as required by sub. (1) above, or if snow or ice is deposited on any sidewalk, alley, parkway, public place or street in the City in violation of sub. (2) or (3) above, the City may remove or cause to be removed all such snow or ice and the person in charge of the premises from which the snow or ice accumulated or from which the snow or ice was removed and so deposited or from which the water was discharged shall be charged for the cost of such removal. If not paid within 30 days, such charge shall be placed on the tax roll, pursuant to §66.0627, Wis. Stats.

(5) PENALTY (Cr. Ord. #1874 – 3/7/88; Rep. & Recr. Ord. 2141 – 2/14/94). For violations of this section, the City may, as an alternative to or in addition to taking the action specified in sub. (4) above, impose a penalty pursuant to sec. 25.04 of this Code.

8.145 MAINTENANCE OF RIGHT-OF-WAY (Cr. Ord. 2851 – 10/26/2019)

(1) DUTY OF PROPERTY OWNER OR OCCUPANT. (Am. Ord. #2905 – 11/17/2022) The property owner or occupant shall be responsible for maintaining, in a manner consistent with the Municipal Code, all slopes, sod, grass, ditches, shoulders, berms, side ditch drainage, mailbox approaches, and all part of the right-of-way adjoining or abutting the property, except the pavement area from edge to edge of the street pavement or, where a curb exists, from curb to curb. All areas addressed in this section shall be maintained with topsoil and established grass, unless otherwise approved by the Engineering department. In lieu of case-by-case approvals, the City Engineer may establish general guidelines regulating the installation of other plants within the right-of-way.

(2) MAINTENANCE BY CITY. If the right-of-way area is not maintained as required by sub. (1), above, the City may maintain, or cause to be maintained, the right-of-way area and the person in charge of the property shall be charged for the cost of such maintenance. If not paid within 30 days, such charge shall be placed on the tax roll, pursuant to Sec. 66.0627, Wis. Stats.

(3) PENALTY. For violations of this section, the City may, as an alternative to or in addition to taking the action specified in Sub. (2), impose a penalty pursuant to Section 25.04 of this Code.

8.15 MOVING BUILDINGS. (Am. Ord. #2662 – 9/14/09). In addition to the requirements contained in this section, any person moving a building shall comply with all State codes and regulations including, but not limited to, all requirements of the Uniform Building Code adopted by the State.

(1) BUILDING MOVING PERMIT REQUIRED. No person shall move any building into or within the City without obtaining a permit from the Building Inspector upon 30 days'

notice. In addition, if the building is to be located or relocated within the City, a building permit must first be obtained from the Building Inspector.

(2) APPLICATION. Application for a building moving permit shall be made on forms supplied by the Building Inspector.

(3) BUILDING MOVING PERMIT FEE; BOND (Am. Ord. #1910 – 7/18/88; Am Ord. #2662 – 9/14/09). The permit fee shall be set forth in sec. 14.15 of this Code. In addition, the applicant must give a bond in an amount to be fixed by the Building Inspector which shall not be less than $25,000 with good and sufficient surety to be approved by the City Attorney, conditioned that the applicant will save the City harmless against all liability and the cost of any streets damaged by the by the move.

(4) POLICE ESCORT SERVICE. (Rep. & Recr. Ord. #2399 - 6/25/01) The Police Department shall provide escort service to the building mover at the mover's expense. Each hour or fraction thereof shall be billed at the current rate per Officer. The estimated amount of the escort fee shall be paid with the permit fee.

(5) NOTICE TO UTILITIES. Prior to the issuance of said permit, the owner and/or mover shall certify that he has notified all public utilities whose lines or poles may be interfered with during the moving of the building. Such utilities shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles and may require reimbursement therefor from the building mover.

(6) INSPECTION AND REPAIR OF STREETS AND HIGHWAYS. Every person receiving a permit to move a building shall, within one day after reaching its destination, report that fact to the Building Inspector. The Director of Public Works shall thereupon inspect the streets and highways over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to the streets or highways, the house mover shall forthwith place them in as good condition as they were before the permit was granted. Upon failure of the house mover to do so within 10 days thereafter to the satisfaction of the Director of Public Works, the Board of Public Works shall repair the damage done to such streets and highways and hold the sureties of the bond given by the house mover responsible for the payment of the same.

(7) EXEMPT BUILDINGS (Cr. Ord. #2399 - 6/25/01) Notwithstanding sub. (1), no permit shall be required under this section to move a shed or similar structure if it is less than eight and one-half feet (8 ½') in width and less than twenty feet (20') in length and provided the highest point of the structure when loaded on the trailer or other vehicle used to move it is not more than fourteen feet (14') above the surface.

8.16 STREET NUMBERING PLAN. (Am. Ord. #2372 - 07/10/00; Am. Ord. #2560 - 4/18/05).

(1) STREET NUMBERING MAP. All lots and parts of lots in the City shall be numbered in accordance with a Street Numbering Grid on file in the Department of Economic and Community Development.

(2) NUMBERING REQUIRED.

(a) Existing Building. The owner of every house, dwelling and business establishment in the City shall cause to be designated on or attached to such structure within 5 feet of its front entrance or directly above the garage door of a garage which is attached to or a part of the main structure, and which faces the street upon which such structure is located and to which such numbering pertains, figures or words indicating the street number of such structure, and shall maintain such numbering in a good state of repair and attached to said structure.

(b) New Buildings. (Amend. Ord. #2372 - 07/10/00)

1. Before any building permit is issued for a building, the building must be assigned a number as provided in sub. (1).

2. Prior to occupancy, the builder or owner of every new building in the City shall designate on or attach to such structure a street number in the manner set forth in this section.

(3) NUMBER STANDARDS. The figures or words which shall be used to indicate the number of a structure shall be no less than 3 inches in height, shall be clearly distinguishable from and of contrasting color to the color and surface of the underlying structure, and shall be clearly readable from a distance of 50 feet.

8.17 SPECIAL ASSESSMENT PROCEDURE (Cr. Ord. #1753 – 6/17/85; Am. Ord. #2353 - 12/6/99).

(1) ALTERNATE METHOD SELECTED. In accordance with sec. 66.0701, Stats., the Common Council elects to make special assessments for public works and improvements against benefited property as provided in this section.

(2) PRELIMINARY RESOLUTION. Whenever the Council shall determine that any public work or improvement shall be financed in whole or in part by special assessment levied under this section, it shall adopt a preliminary resolution setting forth the following:

(a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose;

(b) The limits of the proposed assessment district;

(c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied;

(d) The number of installments in which the special assessments may be paid, or that the number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution;

(e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution;

(f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution; and

(g) The City Engineer shall prepare a report as required by sub. (3) below.

(3) REPORT OF CITY ENGINEER. Whenever the Council, by preliminary resolution, directs the City Engineer to prepare a report, the City Engineer shall prepare a report consisting of the following:

(a) Preliminary or final plans and specifications for the public works;

(b) An estimate of the entire cost of the proposed work or improvements, except that when the preliminary resolution provides that the assessment shall be determined subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs;

(c) A schedule of the proposed assessments;

(d) A statement that each property against which the assessments are proposed has been inspected and is benefited, setting forth the basis of such benefit; and

(e) Upon completion of the report, the City Engineer shall file a copy of the report with the City Clerk.

(4) STATUTORY PROVISIONS. Except as provided otherwise herein, the provisions of sec. 66.0703, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall apply to special assessments levied under this section.

(5) LIEN. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Council determining the amount of such levy.

(6) APPEAL. Any person against whose property a special assessment is levied under this section may appeal there from within 40 days of the date of the final resolution determining the special assessment as provided in sec. 66.0701(2), Stats.

(7) APPORTIONMENT OF SPECIAL ASSESSMENTS (Cr. Ord. #1977; Am. Ord. #2353 - 12/6/99). In the event that any parcel of land subject to a special assessment lien is divided in accordance with Ch. 18 of this Code, and if the special assessment is not due in full upon such division, the City Treasurer may, after conferring with the City Engineer, apportion such special assessment lien and any remaining installment payments thereof upon a reasonable basis considering the benefit conferred upon the respective parcels.

8.18 CONSTRUCTION DIRECTLY BY THE CITY. (Cr. Ord. #1882 – 4/11/88).

Upon approval by the Council, any public construction may be done directly by the City without submitting the same for bids.

8.19 MAILBOXES IN RIGHT OF WAY (Cr. Ord. #1938 – 1/9/89).

(1) REQUIREMENTS. A person may place a mailbox in the right of way for a City street or permit a mailbox to be placed or remain in the right of way adjacent to the property of which he is the owner or occupant only if the mailbox complies with the following requirements:

(a) (Repealed Ord. #2518 – 3/15/04).

(b) (Am. Ord. #2347 – 9/13/99; Repealed Ord. #2518 – 3/15/04).

(c) (Am. Ord. #2347 – 9/13/99; Repealed Ord. #2518 – 3/15/04).

(d) The mailbox and its post or support shall not encroach upon or obstruct any sidewalk or in any way interfere with the use of the sidewalk by pedestrians.

(e) (Cr. Ord. #2518 – 3/15/04). The mailbox and its post or support shall not encroach upon or obstruct any roadway, as defined by §340.01(54), Wis. Stats., or in any way interfere with the use of the roadway for vehicular travel.

(2) VIOLATIONS. Mailboxes which fail to comply with this section are deemed obstructions and are subject to removal.

(3) NO OBLIGATION OF CITY.

(a) This section does not create a duty on the part of the City to locate or remove obstructing mailboxes.

(b) The City shall have no obligation to repair or replace mailboxes or supports damaged by snowplowing operations or otherwise.

(4) CROSS REFERENCES. See secs. 7.02, 8.04, 8.05 and 10.05 of this Code and §86.04, Wis. Stats.

8.20 POWER TO AUTHORIZE PUBLIC WORKS PROJECTS. (Cr. Ord. #2644 – 3/2/09)

The Common Council shall have the exclusive power to authorize expenditures on behalf of the City pertaining to public works, specifically including the power to determine whether to approve public works contracts, to borrow funds, and to enter contracts for public works projects. No referendum is required except as may be required by Wisconsin Statutes. The Common Council may delegate this authority to the Board of Public Works as permitted in this Code or by state law. Prior to exercising this authority, the Common Council and/or Board of Public Works shall insure that it is well informed and fully advised in order to best serve the government and good order of the City for the City's commercial benefit and for the health, safety and welfare of the public.

8.24 DEFINITION. (Cr. Ord. # 2352 - 12/6/99)

In this chapter, the cost or expense of any work, construction or service to be recovered by the City through special assessments, special charges, special taxes or otherwise includes all related direct and indirect costs including design costs, administrative expenses, interest and carrying costs as well as the cost of the work, construction or service.

8.25 PENALTY (Renum. JAE).

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 sec. 25.04 of this Code.