

## **CHAPTER 8 STREET AND SIDEWALKS**

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**8.001 PURPOSE.** It is in the interest of the City to provide for and regulate the size, number, placement and safe construction of any obstructions or encroachments in the public right-of-way such as streets, alleys or sidewalks, within the City so as to insure that obstructions and encroachments do not constitute a traffic hazard or distraction to the traveling public, and to eliminate potential nuisances and health or safety hazards. (Cr. #90-57)

**8.01 STREET AND SIDEWALK GRADES.**

**(1) ESTABLISHMENT.** The grade of all streets, alleys and sidewalks shall be established by the Council and shall be recorded by the City Clerk in his office. No permanent street, alley or sidewalk shall be worked until the grade thereof is established. The grades of all streets having curb and gutter on the effective date of this Code are established at the level then existing.

**(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.

**8.02 SIDEWALK CONSTRUCTION AND REPAIR.** (Rep. and Recr. #70-45; Rep. and Recr. #98-5)

(1) The abutting property owner shall repair and perpetually maintain the sidewalks, which are adjacent to the property along any street in the City.

(2) Portland cement sidewalks of City specifications shall be required.

(3) The Council may, from time to time, by resolution determine the priority of establishing sidewalk improvement districts based upon the dictates of public health and safety, with special emphasis upon those areas surrounding public schools and playgrounds.

(4) For those areas of the City that have been platted or subdivided after February 20, 1998, the installation and maintenance of new sidewalks shall be governed by the provisions of Section 20.11 (18) of this Code of Ordinances.

**(5) Notice and Public Hearing.** Prior to sidewalk installation as set forth in Subsection (3) herein, the Council shall give written notice to the property owners of its intention to install a sidewalk adjacent to their property. Thereafter, within one (1) month of such written notice, the Council shall conduct a public hearing to permit the property owner to appear before the Council to indicate if the property owner is in favor of or opposed to the construction of such sidewalk.

**(6) Sidewalk Repair.** Sidewalk repair shall be according to Wisconsin State Statutes Section 66.0907 (3).

**(7) Installation by City of Decorative Sidewalk in Central Business District.** The City elects, pursuant to Section 62.15 (1) of the Wisconsin Statutes, to construct and replace the decorative brick between the curb and sidewalk and install colored stamped concrete on the north and south sides of Main Street between College Avenue on the East and Church Street on the West. All of this work shall be performed directly by the City without submitting or letting the work for public bids. (Cr. #09-15)

**8.03 LICENSING OF SIDEWALK AND CURB AND GUTTER CONTRACTORS.** (Am. #93-56)

**(1) PERMIT REQUIRED.** No person shall construct, lay or rebuild any sidewalk or curb and gutter on any public street or alley within the city without first having obtained a permit from the City Engineer. The permit shall be valid for a period of 12 months from the date of issuance for any work that the contractor may do within the City of Watertown.

**(2) RULES AND REGULATIONS.** The City Engineer may make such rules and regulations as he may deem necessary for the constructing, laying or rebuilding of sidewalks and curb and gutter within the city, and may prescribe standard specifications for the construction of such items.

**(3) CURB AND GUTTER DRIVEWAY OPENINGS.** No person shall make or cause to be made any curb and gutter openings (including sawing) within the City without first obtaining a permit from the City Engineer. All openings shall be reported to the Street Superintendent, who shall saw the appropriate curb opening width. A \$55.00 fee shall be paid to the City by the person applying for the permit at the time of application. A \$25.00 fee shall be paid for sawing a sump pump hose connection to the curb and gutter. (Am. #97-14)

**(4) CONCRETE SIDEWALKS.** Concrete sidewalks are the only type of sidewalks that may be constructed within the city of Watertown.

**(5) DEFECTIVE WORKMANSHIP.** If a permittee shall fail to perform said work, or to furnish material and workmanship of such quality as to conform to the requirements established by the City Engineer, the permittee shall, during such period of one (1) year after the completion of the initial work, make at his own expense, such repairs and remove any damaged or defective parts of the sidewalk or curb and gutter and repair the same with new parts as may be required by and deemed necessary by the City Engineer.

**(6) EXCEPTIONS.** This Section shall not apply to work done by the City or under contract with the City.

**8.04 SEWER AND WATER SERVICE AND CURB AND GUTTER REQUIRED BEFORE CONSTRUCTION.**

(Am. #90-33) Before construction of any new street where sewer and water mains are installed and where the land abutting the street is subdivided into lots or before construction of a semi-permanent street, the Director of Public Works shall order the construction of curb and gutter and the installation of water, sewer and gas services to within seven (7) feet of the property line of each lot which is classified as a buildable lot under the Zoning Code.

In the event the owner of any such lot fails to comply with the order within ten (10) days of written notice thereof, the Director of Public Works shall cause the same to be installed and the cost thereof reported to the City Clerk as a special charge against the property. The special charge may be paid in cash within sixty (60) days after receipt of the final bill; thereafter interest at the rate of twelve (12) percent per annum shall be charged until the assessment is paid; or the assessment may be paid in five (5) equal annual installments with interest at twelve (12) percent per year on the tax roll. If a property owner elects to pay the assessment in five (5) equal annual installments, and if the property should be sold or ownership transferred within said five (5) year period, then the entire remaining balance shall be due and payable immediately upon sale or transfer of ownership.

**8.05 STREET AND SIDEWALK OPENINGS.** See Sec. 15.12 of this Code.

**8.06 OBSTRUCTIONS AND ENCROACHMENTS.** (Rep. & Recr. #90-58)

**(1) OBSTRUCTIONS AND ENCROACHMENTS.**

(a) Obstructions and Encroachments Prohibited. No persons 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 encroachments or encumbrance to be placed, or remain in any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsec. (2).

(b) Vending Machine placement is prohibited on all streets, alleys and sidewalks, except as set forth in the "Exceptions" set forth in this chapter.

**(2) EXCEPTIONS.** Subsec. (1) shall not apply to the following:

(a) Any items permanently attached to a building structure in accordance with Section 13.50 "Signs and Projections".

(b) Vending machine placement shall specifically be allowed in public parks and on city-owned property upon the approval of the City of Watertown Park and Recreation Commission, and said vending machine accruing to the benefit of the City of Watertown.

(c) Public utility encroachments duly authorized by state law, or the Watertown Common Council.

(d) Loading or unload of goods, wares or merchandise, which does not extend more than three (3) feet onto the sidewalk, and provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.

(e) Street furniture and landscape elements with a maximum area of nine (9) square feet per building, which must be placed against an exterior wall, and may be installed pursuant to this exception only if a minimum of twelve (12) foot of sidewalk width exists, measured from the building front to the back of the curb, or, specifically if the furniture, and/or landscape element is part of an approved city streetscape plan.

(f) Newspaper vending machines, street furniture, and all other encroachments located within the Main Street Commercial Historic District may be permitted if said encroachment meets the requirements of subsection 8.06 (2)(e) of the Watertown General Ordinances; the proponent/owner of any such encroachment shall make a written application, pursuant to the procedures set forth below in subsection (4), prior to installation or placement of the proposed encroachment in the right-of-way; and the Watertown Historic Preservation Commission shall make a recommendation approving or rejecting placement of the proposed encroachment to the Watertown Common Council Public Safety Committee. (Am. #91-1)

(g) Excavation and openings permitted under Section 15.112 of this Code.

(h) Building materials permitted under (3).

(i) Temporary encroachments or obstructions authorized by permit granted pursuant to Section 66.045, Wis. Stats.

(j) Other exceptions, located outside of the Main Street Commercial Historic District shall be allowed; provided they are subject to the requirements of subsection 8.06 (2)(e) of the Watertown General Ordinances; and the proponent/owner of such an encroachment shall make written application, pursuant to the procedures set forth below in subsection (4), prior to installation or placement of the proposed encroachment in the right-of-way. (Am. #91-2)

(k) Booths, benches, tables or other structures erected or maintained for the display of goods, wares, merchandise or food stuffs, and approved under Section 8.08 shall not be considered obstructions or encroachments. (Cr. #93-23)

(l) Mailboxes and newspaper receptacles constructed as required by the standards set forth in Section 8.06 (5) of this chapter. (Cr. #95-43)

### **(3) BUILDING MATERIALS.**

(a) The Director of Public Works may grant permission to any person for a period not to exceed three (3) months to use not to exceed 1/3 in width of any or all streets adjacent to any proposed building or other improvement to be built or made for the purpose of temporarily depositing thereon building material, excavated material and other articles necessary to be used in and about the construction of such building or other improvement.

(b) Every person to whom a permit is granted hereunder shall provide a sufficient barricade and during the night time sufficient warning lights around or on such building materials, excavating material or other articles, so as to effectually prevent the happening of accidents to persons or property, and every such person shall be liable for all accidents and damage caused by his failure to properly provide and maintain such barriers and warning lights.

**(4) APPLICATION FOR VARIANCE.** (Cr. #91-3) Application to request a variance granting the proposed use or encroachment of the public way may be taken by any person by filing a written application with the Watertown Common Council Public Safety Committee, which shall fix a reasonable time for the hearing of the application, give a minimum of 72 hours notice to the applicant by regular mail, and decide the same within a reasonable time by approving or rejecting the request. Each application shall be accompanied by a fee in the sum of \$5.00. At the hearing, any party may appear in person, or by agent or attorney. The Commission shall decide all applications within thirty (30) days after the hearing thereon. Any person or persons jointly or severally aggrieved by any decision of the Public Safety Committee may present to a court of record a petition for certiorari within thirty (30) days after the decision of the Public Safety Committee with respect to the application.

**(5) MAILBOX AND NEWSPAPER RECEPTACLE CONSTRUCTION AND PLACEMENT STANDARDS.** (Cr. #95-44)

All mailbox and newspaper receptacle placement and construction within the City of Watertown shall comply with the standards set forth herein, which support and mounting standards comply with the requirements of the U.S. Postal Service, as follows:

(a) Support. The support shall be a wood post, steel pipe or steel channel installed no more than twenty-four (24) inches in the ground and extending to a vertical height such that the bottom of the box is a minimum of thirty-six (36) inches, but not to exceed a maximum of forty-two (42) inches above the ground surface. The support shall have no larger than the following dimensions:

Square wood post	4" x 4"
Round wood post	4-1/2" diameter
Steel pipe	2" inside diameter
Steel channel	2 lbs./ft.

The support shall not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports, but shall not be imbedded more than ten (10) inches into the ground.

(b) Attachment. The box-to-post attachment shall be sufficient to prevent the separation of the box from the support post when struck. An approved newspaper receptacle may be attached to a post with a mailbox, but not on a post by itself.

(c) Multiple Boxes. No more than four (4) boxes shall be mounted on one support post. Four a multiple installation, support posts shall be spaced a minimum longitudinal distance apart, which is equal to three-quarters of the height of the posts in the installation.

(d) Location. The face of the box shall be located a minimum of six (6) inches behind the traffic face of curb and a maximum of twelve (12) inches behind the traffic face of curb. Installations shall avoid blind spots or poor sight distance locations.

(e) Liability. Mailboxes and newspaper receptacles placed within the street right of way are the sole property and responsibility of the abutting property owner. The City of Watertown shall not be liable for damages caused to or by mailboxes and newspaper receptacles placed within the street right of way.

(f) Drawings. The City of Watertown shall maintain a supply of standard drawings of approved mailbox installations for distribution to the general public.

(g) Penalty. A mailbox or newspaper receptacle installed in violation of the provisions of this section will result in the City issuing a "Notice of Non-Compliance" to the violating property owner. If the violation is not corrected within thirty (30) days, the City shall remove the violating obstruction or encroachment, and assess the cost of removal as a special assessment against the property as provided in Section 66.60 (16), Wis. Stats.

**8.07 SNOW AND ICE REMOVAL.** (AM. #92-6)

**(1) DUTY TO REMOVE OR COVER.** The owner, occupant, or person in charge of each lot or part of lot shall, within 24 hours after snow has stopped falling, remove all snow and ice which may have fallen or accumulated upon the sidewalks abutting the premises and driveway aprons, owned, occupied or cared for by him or her. When snow and ice has so formed upon any sidewalk that it cannot be removed, the persons herein referred to shall keep the same sprinkled with sand, salt or an ice-melting compound. Failure to remove or cover the snow and ice as specified herein will subject the owner, occupant or person in charge of the premises to the forfeitures provided in Sec. 25.04 of this Code. This requirement shall not apply to sidewalks exempted by the written Policy for City for Snow Removal on Sidewalks, adopted by the City of Watertown Public Works Commission on September 14, 2010. (Am. #10-31) (Am. #11-17)

**(2) DIRECTOR OF PARKS, RECREATION AND FORESTRY TO CAUSE REMOVAL.** (Am #08-33) If the owner, occupant or person in charge of each lot or part of lot does not remove or cover all snow or ice from the sidewalks abutting the premises owned, occupied or cared for by him as provided in Sub. (1) herein, and continues to refuse to remove the snow and ice after a complaint has been issued, and the party is found to be in violation of subsection (1) hereinabove, then the Director of Parks, Recreation and Forestry shall cause all sidewalks which shall not have been cleaned, or sprinkled with sand, salt or an ice-melting compound as above prescribed, to be so cleaned or sprinkled in his discretion immediately upon the default of the person whose duty it is to clean or sprinkle the same. He shall annually render to the City Clerk an itemized report of all sums disbursed by him for such cleaning or sprinkling, the description of the premises affected thereby and the names of the owners thereof, and the sum so disbursed shall annually be levied and collected as a special tax upon said premises unless paid. (Am. #11-17)

**(3) DEPOSITING OF SNOW IN STREETS AND ALLEYS.** (Am. #08-33) No person shall deposit, or cause to be deposited, in any public street, alley or roadway in the City, snow taken or removed from:

1. Property that is privately owned or occupied. Public sidewalks, road right-of-way or driveway aprons abutting such private property.
2. This section shall not apply to any properties located within the Central City Snow Removal Area, as defined in Section 7.09(3)(b)(i).

**(4) PENALTIES.** (Cr. #08-33) Any person or entity who shall violate any provision of this Section shall be subject to a forfeiture of not less than \$50.00. Each violation and each day a violation continues or occurs shall constitute a separate offense.

**8.08 USE OF STREETS OR SIDEWALKS.**

**(1) SALE OF MERCHANDISE PROHIBITED.** (Am. #97-59) It shall be unlawful for any person to sell, or offer for sale, any goods, wares, merchandise or food stuffs, or to erect or maintain, or cause or permit to be erected or maintained, any booth, bench, table, or other structure for the display of goods, wares, merchandise or food stuffs on any sidewalk, street, boulevard, alley, public way or public right-of-way between the private property line and established curb line of the roadway or streets of the City.

**(2) SALE OF MERCHANDISE FROM VEHICLES PROHIBITED.** (Am. #97-59) It shall be unlawful for any person to sell, or offer for sale, any goods wares, merchandise, vegetables, or produce, or other food stuffs, from any vehicle, push-cart, 3-wheeled bicycle, or other conveyance in or upon any street, public way, alley, or public right-of-way within the City.

**(3) EXCEPTIONS.** (Am. #10-19) (a) Subsec. (1) and (2) shall not apply to any person distributing or selling any agricultural product grown by him or her or homemade produce made by him or her on the day of the Farmers Market, which is each Tuesday of every month, during the months of May through November in the specific area designated under sec. 9.02 (1)(c) of the Watertown General Ordinances.

(b) The provisions of (1) shall not apply to the annual Maxwell Street Day Event, conducted under the provisions of (4) below, or to special retail promotions organized by the Watertown Area Chamber of Commerce or the Watertown Main Street Program in behalf of the downtown business community and approved, in writing, by the Mayor. For promotions other than Maxwell Street Day, any booth, bench, table or other structure for the display of goods, wares, merchandise or food stuffs shall extend not more than 36 inches beyond the private property line. (Am. #93-22) (Am. #10-19)

**(4) MAXWELL STREET DAY SIDEWALK SALE.** (Am #10-19) The Watertown Main Street Program is granted an annual permit to conduct a special event on the sidewalks and streets of the Downtown Business District, as that term is defined and designated in sec. 18.11 of the Watertown Zoning Code, commonly known as "Maxwell Street Day" subject to the regulations as set forth below.

(a) The Maxwell Street Day event shall extend from 6:00 a.m. to 9:00 p.m. on the third Thursday in July, or on such other date as designated by the Mayor and Chief of Police, in writing. (Am. #95-32)

(b) The east-bound and west-bound traffic lanes of Main Street shall be closed to all vehicular traffic during the course of the event.

(c) There shall be no parking allowed on the entire closed portion of Main Street and on side streets of the Downtown Business District in front of participating merchants during the course of the event.

(d) The Watertown Street Department shall provide and remove such barricades and warning devices as are deemed necessary by the Chief of Police to allow for the safe flow of traffic northbound and southbound on the intersecting streets within the Downtown Business District and to allow for emergency vehicle access to the closed portion of Main Street.

(e) The provisions of sec. 8.08(1), prohibiting the use of streets and sidewalks for outside sales, shall be suspended for the duration of the special event within the Downtown Business District, provided that:

1. The outside sales activity is either a sidewalk cafe or storefront display by a contiguously located merchant, which does not extend beyond the frontage width of the business associated therewith.
2. Any storefront display or sidewalk cafe shall be limited to the sale and display of those items of goods, wares, merchandise or foodstuffs commonly sold or offered for sale in the place of business associated with the contiguously located merchant.
3. "Contiguously located merchant" in this section means a business whose place of business is located on the ground floor abutting the sidewalk, and which has available to it immediately adjacent sidewalk space.

(f) As a condition of the issuance of this permit, the sponsor must have in force, adequate liability insurance holding the City and its employees harmless, and to indemnify and defend the City or its employees against all claims, liability, loss, damage or expense arising out of or resulting from the activities for which the permit is granted. As evidence of the sponsor's ability to perform this condition of the permit, the sponsor shall furnish a Certificate of Insurance evidencing the existence of a comprehensive general liability insurance policy with the City named as an additional insured. Adequate liability limits means minimum limits of \$100,000 per occurrence for bodily injury and minimum limits of \$50,000 per occurrence for property damage. The Certificate of Insurance shall provide for 30 days written notice to the City upon cancellation, non-renewal or material change to the policy.

(g) The Watertown Area Chamber of Commerce is vested with exclusive authority over the conduct of this special event, including, but not limited to, use of sound equipment or public address systems in the Downtown Business District, operation of foodstands within the Downtown Business District which may offer food for sale to the general public, allocation of space limitations on contiguously located merchants for use of sidewalks and streets for display purposes, and a unified, comprehensive advertising campaign or theme for the event, utilizing placards, banners and other advertising materials. (Rep. and Recr. #89-74A)

**(5) MAIN STREET PROGRAM WEEKEND EVENTS:** (Cr. #05-19) The Main Street Program (MSP) is granted permission to manage a series of Friday night events from May through August in downtown Watertown. MSP must submit plans for any street closings in sufficient time for the appropriate City departments to be able to make arrangements for the safe and efficient closure of any streets. The Mayor, Police Chief and Fire Chief will need to approve all street closures.

(a) The details of the event are to be approved by the Mayor, Police Chief and Fire Chief.

(b) The provisions of Chapter 8.08 (1) are suspended for each of these events for the period of time beginning one hour before and ending one hour after the schedule MSP event. The MSP is responsible for approving the sidewalk events and the vendors that are involved. In no case, shall the tables block pedestrian traffic and shall leave at least four feet of unobstructed sidewalk.

(c) There shall be no parking in the closed section of the street or municipal parking lot on which the event is to be held during the time of the event. The MSP shall be responsible for posting signs in sufficient time to notify vehicle owners of the closure of the street or parking lot.

(d) The MSP shall make arrangements for barricades and no parking signs with the appropriate department and ensure that they are placed in a timely fashion and in such a manner that the general public is notified.

**8.09 TRAINS NOT TO OBSTRUCT STREETS.** No railway corporation or person in charge of any locomotive, engine, railway car, train or trains shall cause or permit said locomotive, engine, railway car, train or trains, whether standing or in motion, to block any street crossing in the City for longer than 5 minutes.

**8.10 DEPOSITING OF CONCRETE IN STREETS OF ALLEYS PROHIBITED.** (Repealed #89-74A; Cr. #93-58) It shall be unlawful for any person or company to deposit concrete, concrete residue or concrete truck cleanings upon any public lands within the corporate city limits of the City of Watertown, including road rights of way, or to make any deposits in the sanitary sewer or storm sewer systems of the City of Watertown. Persons or firms convicted of violating the provisions of this ordinance shall pay a minimum forfeiture of \$500.00 for a first conviction, and a minimum of \$1,000.00 for second and subsequent convictions.

**8.11 BUILDING NUMBERS TO BE DISPLAYED.** The owners and occupants of all stores, houses and other buildings abutting on any of the streets in the City, shall cause to be placed on their respective stores, houses or other buildings street numbers, according to the plat of said City.

Numbers must be plainly visible from the curb of the street upon which the house fronts and mounted on a contrasting background. The minimum specifications on 3 types of house numbers presently available shall be as follows:

1. Minimum tile base size of 3" high by 2" wide. Non-illuminated.
2. Minimum individual figure 3" high. Non-illuminated.
3. Illuminated number 1 1/4" high by 7/8" wide.

### **8.12 STREET AND ALLEY VACATIONS.**

1970	70-20	Alley lying east of Lots 1-5 in Hahn's Addition.
	70-36	Church Street, east of Highway 26 and between Bernard Street and the Rock River.
	70-60	North 18 feet of Pawnee Street.
	70-69	Part of Crangle Avenue, east of Montgomery Street, west of Highway 26, between Bernard Street on the south and railroad tracks on the north. Also an alley, east of and abutting Lots 7 thru 18, bordered by Bernard Street on the south and the railroad tracks on the north.
1971	71-9	Part of Montgomery Street, bordered on the south by Bernard Street, on the north by the railroad tracks, on the east by Lots 7 through 18 of Crangle's Addition and on the west by Lots 1 through 6 of Crangle's Addition and Outlot 2 north of Bernard Street.
	71-68	Unnamed street between Blocks 1 and 2 in Volkman's Addition.
	71-51	Northerly 20 feet of Ann Street.
1972	72-52	Part of W. Church Street, bounded on the east by N. Water Street and on the west by Clay Street.
	72-74	East and west 12 feet of South Eighth Street, from Hart Street south. South 12 feet of Hart Street, between Chenango Street and South Eighth Street.
	73-5	Portion of South Monroe Street.
1973	73-5	Portion of South Monroe Street.
1974	74-10	Portion of Hill Street, from Maple Street to Lot 5, Block 3 University Addition.
	74-30	Alley between North First Street and North Second Street.

**8.15 PENALTY.** Any person who shall violate any provision of this Chapter shall be subject to the penalty provided in Sec. 25.04. Each violation and each day a violation continues or occurs shall constitute a separate offense. However, this Section shall not preclude any appropriate action, which the City may take to restrain or remove a violation of this Chapter.

### **8.16 PLANTING, CARE AND PROTECTION OF TREES.**

**(1) ADMINISTRATION.** The Park, Recreation and Forestry Commission shall have exclusive jurisdiction, authority, control, supervision and direction over all trees, shrubs, or other growth, planted or growing upon any public thoroughfare or public place in the City and the maintenance, care or removal thereof.

#### **(2) DEFINITIONS.**

(a) Boulevard and/or Median Strips are those open lands which divide a traveled roadway.

(b) Public Property means any lands owned by the City and used by the public, including parks, playgrounds, parking lots and any and all other public lands, as well as streets and their adjacent rights of way.

(c) Terrace as used in this Section means that portion of the street right-of-way lying between the sidewalk and back of the curb. Where no sidewalk and/or curbing exist, the terrace shall be determined by a field inspection conducted by the City Forester or his representative.

(d) Tree as referred to in this Section, means any tree of a species that has the genetic trait to develop a trunk diameter or caliper of one inch or greater at a height of four (4) feet above the surface of the ground.

(e) Tree Topping is defined in this Section as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

**(3) CITY FORESTER.**

(a) General Powers and Duties. The Director of Parks, Recreation and Forestry shall be designated the City Forester and shall have the following general powers and duties:

1. To direct, manage, supervise, and control the city street tree program to include all planting, trimming, spraying, removal, maintenance and protection of all trees and shrubs on all terraces, boulevards, median strips, or public property and to supervise Park and Forestry Department personnel in the planting, trimming, spraying, removal, maintenance and protection of trees and shrubs in these areas.

2. To guard all trees and shrubs within the City, whether on public property or private property, so as to prevent the spread of disease or pest.

3. To maintain, trim or remove all trees or shrubs within the City, whether on public property or private property, to prevent any such tree or shrub from overhanging or encroaching upon any boulevard, median strip, terrace or other public property within the City so as to eliminate dangerous conditions which may affect the life, health, or safety of person and property at the discretion of the City Forester.

4. To protect and guard all trees and shrubs within the City on private property, other than private property which adjoins or abuts public property, so as to eliminate dangerous conditions which may affect the life, health, or safety of person or property, only under such circumstances as are brought to the attention of the City Forester by a citizen complaint.

5. To plant, trim, spray, remove, maintain and protect trees and shrubs on all terraces, boulevards, median strips, or public property as may be necessary to insure safety, to protect interference with public or private utility services lying above or below ground, to guard traffic/pedestrian visibility, and to preserve the symmetry and beauty of such grounds.

6. Such other powers and duties as are provided by the laws of the State of Wisconsin, particularly Section 27.09 of the Wisconsin Statutes; by Ordinance of the City; and by the written rules and regulations guidelines of the Watertown Park, Recreation and Forestry Commission.

(b) Specific Authority of City Forester to Enter Private Premises.

1. The City Forester shall have the authority to enter private property for the purpose of examining, inspecting, and physically collecting test samples of any tree or shrub on the premises for the purpose of preventing the spread of disease and the purpose of eliminating dangerous conditions which may affect the life, health or safety of person or property.

2. The City Forester or his representative, after giving at least twenty-four (24) hours advance notice to the owner or tenant having charge of the premises, shall have the authority to enter upon private premises at reasonable times for the purpose of examining and inspecting any suspected diseased tree or shrub.

3. In the event entry to private property is denied to the City Forester by the owner or tenant in charge of the premises under this Section, the City Forester shall have the authority to obtain a special inspection warrant through the Watertown Municipal Court or other court of competent jurisdiction, pursuant to Section 66.0119 of the Wisconsin Statutes.

(c) Specific Authority to Order Removal of Trees or Shrubs.

1. No person shall prevent, delay or interfere with the City Forester or any of his or her agents or employees from entering upon any public or private premises for the purpose of trimming or removing any tree or shrub which the City Forester has determined to be diseased or determined to have created a dangerous condition.

2. If the City Forester or any of his or her authorized agents finds on examination and/or inspection in or upon any private or public property, any tree or shrub infested with injurious insects or plant diseases, or if any tree or shrub on private property shall endanger the public or shall be injurious to private utility services or public improvements, the City Forester shall notify the owner or person having charge of such premises, under Section 27.09 (4) through (7) of the Wisconsin Statutes, in writing, at least two (2) weeks prior thereto, of a hearing on such removal or trimming before the City Forester. The owner or person in charge of the premises shall have a right to be present at such hearing and be afforded an opportunity to be heard. After such hearing, the City Forester shall either abandon such work or proceed under Subparagraph (c)3. below. If the City Forester shall cause the work to be done, the costs shall be charged against the property as a special charge. No damages shall be awarded to the owner for the value of the destroyed trees or shrubs removed pursuant to an order entered under this paragraph.

3. Prior to proceeding to perform any work under Subparagraph (c) 2., the owner or person having charge of such premises shall be given at least thirty (30) days to cause the removal and/or destruction of the tree or shrub as ordered. The City Forester shall determine the time specified, and shall provide written notice of such time period to the owner or person having charge of such premises, depending on the severity of the problem and the scope of correction needed to remedy the problem. The City Forester may direct the immediate removal of tree(s) or shrub(s) without such prior notice if the City Forester determines that an emergency condition warrants such action.

4. Should this order not be complied with within the time specified in the order, the City Forester shall cause such work to be completed unless the owner or person in charge of such premises shall have appealed the order of the City Forester entered under Subparagraph (c) 3.

5. In the event any tree or shrub is located partially on private property and partially on public property within the City, any such tree or shrub is deemed to be solely the responsibility of the City Forester and the City of Watertown to plant, trim, spray, remove, maintain and protect the entire tree or shrub. The root system or the root flare of the tree does not factor in for determination of the percentage of ownership of any tree or shrub under this Paragraph.

6. In the event any tree or shrub on private property appears to be located on the boundary line between parcels, in the estimation of the City Forester, and the adjoining property owners cannot agree on the percentage of liability for compliance with any order or remedy for any violation issued by the City Forester, the City Forester shall proceed under this section. The root system or the root flare of the tree does not factor in for determination of the percentage of ownership of any tree or shrub under this Paragraph.

(i) The City Forester shall retain a licensed surveyor to conduct a survey to determine the boundary line between the property owners' parcels showing the location of the tree or shrub in relation to the boundary line and provide a written report of his or her findings.

(ii) The City Forester shall allocate the percentage of liability to the adjoining property owners based upon the written survey report submitted for the cost of preparation of the survey and for compliance with any violation order issued by his or her office.

**(4) APPEAL FROM ORDER OF CITY FORESTER.** A person who receives an order from the City Forester and objects to all or a part thereof, may, within thirty (30) days of the date of the mailing of the order to such person, notify the City Park, Recreation and Forestry Commission and the City Forester, in writing, of the nature of the objection and of a request for a hearing thereon. The written order under Section 8.16 (3) (c) 3. above shall be deemed the initial determination and the municipal authority charged with conducting the review, pursuant to Section 24.08 (2) shall be the Watertown Park, Recreation and Forestry Commission. The Commission shall proceed to conduct a hearing on the appellant's objection, pursuant to Sections 24.09 and

24.10 of this Code of Ordinances. The City Forester shall be present at such hearing. The appellant may be represented by counsel. The Commission may affirm, cancel or modify the order of the City Forester, in its discretion, to best conform such order to the intent of this Section.

**(5) TREE TRIMMING.**

(a) Trees or shrubs standing on any private property adjacent to a boulevard, terrace or other public property shall be trimmed and kept trimmed by the owner of such tree or shrub, so as to maintain a clear space of not less than 8 feet above the sidewalk or public property except as indicated under Subparagraph (b). The owner of said trees shall remove all dead, diseased or dangerous trees or limbs, which constitute a menace to the safety of the public. The City shall have the right to prune or trim any tree or shrub on private property when it interferes with the proper spread of light along the street from street lights or interferes with visibility of any traffic control device or sign or approaching pedestrian or vehicular traffic.

(b) All trees and shrubs on private or public property shall be trimmed and kept trimmed so as to maintain a clear space of not less than twelve (12) feet above the roadway, except the Board of Public Works may make special provisions in exceptional cases.

(c) No person shall authorize any tree or shrub on public property to be trimmed, cut, removed or topped without permission of the City Forester.

(d) All trees and shrubs on any boulevard, median strip, terrace or other public property and on private property adjoining public property shall be trimmed or removed, as necessary, where the foliage obstructs the street light illumination pattern. Such work shall be done by the City upon the recommendation of the City Forester and at the direction of the Park, Recreation and Forestry Commission.

(e) All tree trimming or pruning shall be performed by any person, firm or organization according to the American National Standards Institute (ANSI) under its Regulation Section A300 (1995), as amended.

(f). Clean smooth cuts are to be made so as not to disturb the branch collar or the branch bark ridge.

(g). Dead branches are to be cut back to a healthy lateral branch.

(h). No branch stubs shall be allowed.

**(6) CONTACT WITH ELECTRIC POWER LINES, AND CONDUCTORS.**

(a) No person shall cause any wire charged with electricity or any wire or cable used as a conductor, to come into contact with any tree located in or upon any public property.

(b) No wire or cable intended to be used as a guy or support wire shall be anchored, attached or fastened to any tree located in or upon any public property in the City.

(c) Public utility companies or private improvement work affecting trees or shrubs on any boulevard, median strip, terrace, or public property shall be limited to the actual necessities of the services of the company and such work shall be done in a neat and professional manner and according to the following standards, under the supervision of the City Forester.

**(7) TREE PROTECTION DURING CONSTRUCTION REGULATIONS.**

(a) In order to provide and preserve a safe and healthy urban forest, all public agencies, private persons, firms or organizations, or public utilities contemplating a construction project in or upon any street, boulevard, median strip, terrace or other public property, prior to the commencement of construction activities, must obtain a "Tree Protection During Construction Permit" from the City Engineer or City Forester and abide by the written policy guidelines issued with the Permit. Application for the Permit shall be made on a form to be provided by the City Engineer's Office, subject to review and approval of the City Forester.

(b) All public agencies, private persons, firms or organizations, or public utilities which are subject to the requirements of a Permit under Sub-Paragraph (a) and which perform a construction project in or upon any street, boulevard, median strip, terrace or other public property are subject to the following regulations.

1. No person, firm or organization shall secure any rope, wire, sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.

2. No person, firm or organization shall break, mutilate, deface or remove any tree or shrub or permit any fire to burn where it will injure any tree or shrub.

3. No person, firm or organization shall permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain, or be emptied on any tree or shrub.

4. No person, firm or organization shall place cement or other solid substances around the base of any tree or shrub.

5. No person, firm or organization shall remove any protective device from a tree or shrub.

6. No person, firm or organization shall attach any sign or notice on any tree, or fasten any guy wire, cable, rope, nails, screws, or other device to any tree; except that authorized City employees may post temporary "No Parking" signs on trees when necessary.

7. No person, firm or organization shall fail to make reasonable and necessary efforts to protect trees to be retained during construction of streets, sidewalks, boulevards, parks and buildings.

**(8) PLANTING REGULATIONS ON PUBLIC PROPERTY.** No person, firm or organization shall plant or allow to grow any tree or shrub or other growth in or upon any boulevard, median strip, terrace, or public property without permission of the City Forester and in conformance with the following regulations:

(a) No tree or shrub shall be planted in the terrace at an intersection of two streets nearer than twenty five (25) feet from either corner measured on the property line, in compliance with the Watertown Zoning Code provisions setback requirements in Section 18.20 of this Code of Ordinances.

(b) No tree or shrub shall be planted in the terrace nearer than thirty-five (35) feet from the next nearest tree, except as approved by the City Forester.

(c) No tree or shrub shall be planted in the terrace where the clear terrace space is less than four and one-half (4 ½) feet or as may be otherwise provided by City Forester.

(d) No tree or shrub shall be planted nearer to the back of curb than one-half (1/2) of the clear space of the terrace.

(e) No tree or shrub shall be planted in the terrace nearer than ten (10) feet from a water stop box, water line, sewer line.

(f) No softwood tree or any tree that is not hardy for the Watertown area as determined by the City Forester shall be planted in any street terrace.

(g) No tree or shrub shall be planted in the terrace near an ornamental streetlight when the foliage of the tree will obstruct the street light illumination pattern.

(h) No trees or shrubs other than those species listed as small trees in the City's Approved Species List may be planted under or adjacent to any overhead utility wires, where such tree or shrub will be likely to interfere with such overhead utility wires.

(i) No person, firm or organization shall plant or set out a tree or shrub in or upon any boulevard, terrace or public property unless the tree or shrub is a species listed in the City's Approved Species List or a species approved by the City Forester.

(j) All trees and shrubs planted in boulevards, median strips, terraces and on other public property in the City shall be planted according to tree/shrub planting standards developed by the Park, Recreation and Forestry Commission and made available to the general public by the City Forester.

**(10) PENALTY.** Any person who shall violate any provision of this Section or any order, rule or regulation made by the Park, Recreation and Forestry Commission or the City Forester hereunder shall be subject to the penalties provided herein or those penalties set forth in Sec. 25.04 of this Code. (Cr. #83-20; Am. #86-14; Repeal & Recreated 06-26)

**8.17 DEPOSITING OF YARD WASTE IN STREETS OR ALLEYS PROHIBITED.** (Cr.#03-30)

(1) The depositing or placement of any type of yard waste, including grass clippings, leaves or tree branches or any other yard waste in the paved portion of any road or alley is hereby prohibited. The Watertown Public Works Commission shall be responsible for establishing a written policy regarding the enforcement of this ordinance. The Watertown Street Superintendent and Assistant Street Superintendent shall have the authority to issue citations to persons who violate this ordinance.

The penalty for persons violating this ordinance shall be \$25.00 per occurrence plus court costs and assessments. Each violation and each day a violation continues or occurs shall constitute a separate offense. However, this section shall not preclude any appropriate action, which the city may take to restrain or remove a violation of this section.

**8.18 ROAD DEBRIS.** (Cr. #05-28)

1. Public Policy. It is hereby declared that in the interests of public safety, health and general welfare, community appearance and efficiency of operation, it is unlawful to place, throw, leave, in any way deposit or permit to be deposited or permit to remain, any dirt, leaves, rubbish, litter, debris or material of any kind upon any street, sidewalk or alley within the city.

2. Construction Sites. All incidental mud-tracking off-site from a construction site onto adjacent public thoroughfares shall be cleaned up and removed by the end of each working day using proper cleaning and disposal methods.

3. Private Property. The owner, occupant, or person in charge of private premises, which places, causes or permits to remain any of such materials upon any street, sidewalk or alley in the city shall immediately remove said materials at no cost to the city.

4. Motor Vehicle Operator. The operator of any motor vehicle which tracks, drops or places any materials upon any street, sidewalk or alley, in the city, except from a construction site, shall immediately stop and remove such materials at no cost to the city. In the event such operator is performing work under the control or authority of the owner, occupant or person in charge of the work on private premises, and such operator causes the deposit of any materials upon any street, sidewalk or alley in the city, and which such operator fails to remove as required in this section, the owner, occupant or person in charge of such work on such private premises shall remove said materials at no cost to the city.

5. City Removal and Costs. In the event the materials are not removed from the street, sidewalk or alley in accordance with the aforementioned paragraphs, the city shall cause the removal of such materials and charge such operator or such owner, occupant or person in charge of such work the cost of removal. In the event the person charged for such removal fails to pay such costs within thirty (30) days, it shall be entered on the tax roll as special tax against such property.

6. Penalty Provisions. In addition to the cost of removal, such operator, owner, occupant or person in charge of such property shall be subject to a penalty of not less than \$50.00 per occurrence. Each day that such materials are not removed, shall constitute a separate offence under this section.

**CHAPTER 8 - BOND SCHEDULE**

Total deposit includes the shown forfeiture, the 26% penalty assessment, \$10.00 jail assessment, \$23.00 court costs and \$13.00 crime lab fee. (Cr. Res. #7511, 8/18/09)

SECTION	DESCRIPTION	FORFEITURE	TOTAL DEPOSIT
8.06	ENCROACH UPON/OBSTRUCT SIDEWALK/PUBLIC WAY	\$50.00	\$109.00
8.07	(1) REMOVE SNOW OR ICE WITHIN 24 HOURS (50-2k)	\$50.00	\$109.00
8.07	(3) DEPOSIT SNOW IN STREET/ALLEY (50-2000)	\$50.00	\$109.00
8.08	(1) SALE OF MERCHANDISE ON SIDEWALK	\$50.00	\$109.00
8.09	TRAIN BLOCKING STREET MORE THAN 5 MINUTES	\$50.00	\$109.00
8.10	DEPOSIT CONCRETE ON PUBLIC LAND (500-2,000)	\$50.00	\$109.00
8.11	FAIL TO DISPLY BUILDING NUMBER .....	\$20.00	\$71.20
8.17	DEPOSIT YARD WASTE ON ROAD OR ALLEY (25-2K)	\$50.00	\$109.00
8.18	DEPOSIT DEBRIS ON PUBLIC WAY (50-2,000)....	\$50.00	\$109.00