

TOMAHAWK MUNICIPAL CODE

Chapter 82

Streets, Sidewalks and Public Places*

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Article I. In General

Sections 82-1 – 82-30. Reserved.

Article II. Streets

Section 82-31. Street and Sidewalk Grades.

- (a) *Established.* The grade of all streets, alleys, and sidewalks shall be established and described by the council and shall be recorded by the city clerk in his or her office. No street, alley or sidewalk shall be worked until the grade thereof is established.
- (b) *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.
- (c) *Street Grade Ordinances.* The street grade ordinances of the city can be found at: pages 173, Minute Book Number 4 (Minutes of 1924); Ordinance Book, pages 99-101, 199-201, 325-326; Old Ordinance Book, page 164.

(Code 1989, § 8.01)

Section 82-32. Penalty.

Any person who shall violate any provision of this article or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Section 1-14 of this Code.

(Code 1989, § 8.10)

Section 82-33. Curb-Lines.

The provisions regarding curb-lines shall be those established at: page 123, Minute Book Number 3 (Minutes of 1912); page 205, Minute Book Number 3 (Minutes of 1913); page 16, Minute Book Number 5 (Minutes of 1926); Ordinance Book pages 12, 103, 209-210, 212; Old Ordinance Book page 165.

(Code 1989, § 8.03)

Section 82-34. Snow Removal Operator.

- (a) *License Required.* No person, firm or corporation shall operate or use for hire snowplows or any other mechanical, motor-driven snow removal equipment in the City without having made application and having obtained a license from the City.
- (b) *Application.* The application for license shall be submitted to the City Clerk on a form supplied by the Clerk.
- (c) *License Fee.* The snow removal operator license fee shall be provided in the City Fee Schedule per vehicle/equipment per year or any fraction thereof, said year to commence on July 1 and end on June 30.
- (d) *Insurance required.* Such license shall be issued upon condition that the applicant shall file with the City Clerk a certificate of insurance issued by a reliable insurance company, under the laws of the State of Wisconsin, with a minimum bodily injury limits of \$25,000 for one person and \$50,000 for one accident

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and minimum property damage liability limits of \$10,000 for one accident to insure payment of all sums imposed upon the insured by law for damages caused by accident arising out of ownership, maintenance, or use of the snowplow or other mechanical, motor-driven snow removal equipment.

- (e) *Maintenance required.* All snow removal vehicles/equipment shall be maintained in a safe and proper working order and in accordance with all City ordinances and State requirements.

(Ordinance 2018-04)

Sections 82-35 – 82-60. Reserved.

Article III. Sidewalks

Section 82-61. Construction and Repair.

- (a) *Cost.* Wisconsin Statute § 66.0907 shall apply, provided the initial cost of construction shall be borne by the abutting property and the cost or repair shall be borne by the abutting property.

- (b) *Sidewalk Widths.* The following shall be the widths for sidewalks in the City of Tomahawk:

- (1) Wisconsin Avenue, from Railway Street to Fourth Street, 12 feet
- (2) Wisconsin Avenue, from Fourth Street to Seventh Street, 6 feet
- (3) Tomahawk Avenue, from Rice Avenue to Washington Avenue, 12 feet
- (4) Tomahawk Avenue, from Washington Avenue to Lincoln Avenue, except on east side, 6 feet
- (5) Tomahawk Avenue, from Rive Avenue to Merrill Avenue, 6 feet
- (6) Railway Street, from Spirit Avenue to Washington Avenue, 12 feet
- (7) Railway Street, from Spirit Avenue to Merrill Avenue, 6 feet
- (8) Railway Street, from Washington Avenue to Lincoln Avenue, 6 feet
- (9) Second Street, from Spirit Avenue to Somo Avenue, 6 feet
- (10) Second Street, from Sprit Avenue to Merrill Avenue, 5 feet
- (11) Second Street, from Somo Avenue to Lincoln Avenue, 5 feet
- (12) Third Street, 5 feet
- (13) Fourth Street, from Wisconsin Avenue to Bridge, except west from Wisconsin Avenue to Somo Avenue, 6 feet
- (14) Fourth Street , from Wisconsin Avenue to Somo Avenue, except east side, 8 feet
- (15) Fourth Street, from Wisconsin Avenue to Merrill Avenue, 5 feet
- (16) Fifth Street, 5 feet
- (17) Sixth Street, 5 feet
- (18) Seventh Street, 5 feet
- (19) Spirit Avenue, from Railway Street to Tomahawk Avenue, 6 feet
- (20) Spirit Avenue, from Tomahawk Avenue to Seventh Street, 5 feet
- (21) Rice Avenue, 5 feet
- (22) Merrill Avenue, 5 feet
- (23) Somo Avenue, from Railway Street to Fourth Street, 6 feet
- (24) Somo Avenue, from Fourth Street to Seventh Street, except north side, 5 feet

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- (25) Washington Avenue, 5 feet
- (26) Lincoln Avenue, 5 feet
- (27) Prospect Avenue, 5 feet
- (28) No walks not mentioned shall not be less than five feet wide in width
- (29) All sidewalks to be built at a uniform distance from the center of the street and to be built to the established grade of the city.

Section 82-62. Snow and Ice Removal.

- (a) *Notice.* The director of public works shall cause at least one notice to be published in the official newspaper of the city no later than November 1 of each year outlining the requirements of this section.
- (b) *Sidewalks to be Kept Clear:* The owner, occupant or person in charge of any lot or parcel shall remove or cause to be removed accumulated snow and ice within 24 hours after it ceases to fall; provided, when ice has so formed that it cannot be removed, the owner, occupant or person in charge of any lot or parcel shall keep the sidewalk sprinkled with a materiel which will prevent the sidewalk from being dangerous to pedestrians.
- (c) *Snow not to be Deposited in Streets.* No person shall cause to be deposited snow from his or her premises or the sidewalk abutting thereon onto street surface in the city without a permit from the director of public works, who may require to be paid a fee sufficient to reimburse the city for the cost of removal of such snow.
- (d) *Exemptions.* The following areas/sidewalks are exempt from the provision of this section:
 - (1) Kings Road: From the intersection of School Road easterly to the city boundary.
- (e) *Failure to Remove.* If the provisions of this section are not met, the director of public works or authorized agent, shall take the following action:
 - (1) The director of public works shall cause the issuance of a written notice to the owner, occupant or person in charge of any lot or parcel directing that the snow and ice be removed immediately after the delivery of the notice. Said notice may be delivered in person, by posting on the premises adjoining or fronting upon the sidewalk, or by depositing the notice in the U.S. mail.
 - (2) The director of public works shall cause all sidewalks which have not been cleared or sprinkled heretofore to be cleared or sprinkled upon default of the person whose duty it shall be to clear or sprinkle the same.
 - (3) All expenses will be assessed as special tax against the abutting property, which shall be collected in the same manner as other city taxes.
- (f) *Penalty.* The penalty for violation of any provision of this section shall be \$25.00 first offense, \$35.00 second offense, \$50.00 third offense and every offense thereafter. Each day the violation exists shall constitute a separate violation.

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Section 82-63. Use of Sidewalks.

- (a) *Policy established.* No person shall close, block or cause to be blocked any sidewalk in the City of Tomahawk with vehicles, equipment, material storage, dumpsters, excavation, scaffolding, or any other item without a permit from the City Clerk.
- (b) *Sale of merchandise.* Persons displaying or selling merchandise on city sidewalks shall be permitted only in compliance with the following:
- (1) Such person displays merchandise customarily sold by him or her on or from the sidewalk immediately adjacent to his or her regular place of business, or and with the consent of the owner or occupant of the business place adjacent to the sidewalk.
 - (2) A clear space is provided for pedestrian travel of not less than one-half of the width of the sidewalk or a minimum of four feet, whichever is greater. The clear space for pedestrian travel shall be that area closest to the abutting property.
 - (3) The sidewalk shall be cleared of all merchandise, produce and other wares, and all paper and debris within one hour after the close of business on each day and left in a clean, sanitary condition, and such sidewalk cleared entirely and left in a clean and sanitary condition within one hour after the close of business on the last day concerned. No merchandise, produce, other wares, paper or debris shall be swept, shoveled or dumped into the street.

Sections 82-64 Sidewalk Inspection and Repair Guidelines

- (a) The intent of this policy is create a reasonably safe sidewalk system for use by city residents. The criteria in this section will accomplish this with long term repairs reducing the need to reinspect and repair sidewalks on a more frequent bias. The following is a list of criteria that will be used in determining concrete sidewalks that needs repair.
- (1) Joint Displacement – A differential caused by the heaving or settlement of joint cannot be greater than $\frac{3}{4}$ " at any point along a joint.
 - (2) Cracking – A sidewalk with a longitudinal crack greater than $\frac{1}{2}$ " in width, multiple cracks or pieces missing or lateral cracks greater than $\frac{3}{4}$ ".
 - (3) Spalling – The surface of the sidewalk has scaling, pitting or pocketing that has progressed $\frac{1}{2}$ " in depth or than 50% of the surface area of a square.
 - (4) Elevations – Where walk elevations have become warped due to settling, heaving or individual replacements, it may be necessary to remove a good square in order to save a number of warped squares and obtain proper drainage.
 - (5) Patching – Permanent asphalt patches will not be acceptable. However, this method can be used as a temporary repair until a permanent repair can be completed.
 - (6) Plaining – A differential caused by heaving or settlement of a joint which is more than $\frac{1}{4}$ " but less than $\frac{3}{4}$ " can be planed with a concrete planer or replaced.

Sidewalks identified for repair will be marked with a pint spot. The owner will be sent a preliminary notice. Prior to the construction period, property owners will be given statutory notices. The owner has 20 days to select a repair option or have it repaired by the City.

Sections 82-65 – 82-90. Reserved.

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Article IV. Excavations

Section 82-91. Permit Required.

No person shall excavate in any street, alley or public ground without a permit therefor from the director of public works.

(Code 1989, § 8.04(1))

Section 82-92. Protection of the Public.

No excavation permit shall be issued unless the method of construction and location of the work to be performed shall be such that the public safety and convenience will not be impaired. The person seeking the permit shall erect such barriers, warning lights and signs as to adequately inform the traveling public of the nature and location of the work being performed.

(Code 1989, § 8.04(2))

Section 82-93. Repair of Street Opening.

The person to whom an excavation permit is issued under this article shall complete the work involved as soon as possible and shall immediately repair all pavement, gutters and sidewalks in as good condition as before the opening and as may be directed by the director of public works.

(Code 1989, § 8.04(3))

Section 82-94. Bond.

There shall be a bond of \$1,000.00 paid to the city clerk before any openings are made in any city streets. The bond shall be returned when opening is closed and street is repaired to the satisfaction of the city director of public works.

(Code 1989, § 8.04(4))

Sections 82-95 – 82-120. Reserved.

Article V. Obstructions

Section 82-121. 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 or she is the owner or occupant, except as provided in Section 82-122.

(Code 1989, § 8.05(1))

Section 82-122. Exceptions.

The prohibition of Section 82-121 shall not apply to the following:

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- (1) Signs or clocks attached to buildings which project not more than six feet from the face of such building and which do not extend below any point ten feet above the sidewalk, street or alley.
- (2) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
- (3) Public utility encroachments authorized by the city.
- (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours.
- (5) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the director of public works. He or she may require such materials to be protected by barricades or appropriate lights.

(Code 1989, § 8.05(2))

Section 82-123. Loitering as to Obstruct Streets and Sidewalks Prohibited.

No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the city in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

(Code 1989, § 9.06)

Sections 82-124 – 82-150. Reserved.

Article VI. Street Trees

Section 82-151. Purpose.

It is the policy of the city to regulate and control the planting, removal, maintenance and protection of public trees and shrubs in the city to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks, or property of the city; to promote and enhance the beauty and general welfare of the city; to prevent damage to any public sewer or water main, street sidewalk, or other public property; to protect trees and shrubs located in public areas from undesirable and unsafe planting, removal, treatment and maintenance practices; and to control the erection and removal of all signs, billboards and structures on city streets, parks, and playgrounds.

(Code 1989, § 8.08(1))

Section 82-152. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Person means person, firm, association or corporation.

Public Trees and Shrubs means all trees, shrubs, or other vegetation, except grass planted or to be planted by the city or any person on any park, playground, or other property owned or controlled by the city or on any public street, alley, sidewalk or highway within the public right-of-way but shall not include school sites.

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Terrace means the land between the normal location of the street curbing and sidewalk.

(Code 1989, § 8.08(2))

Cross Reference – Definitions, Generally, § 1-2.

Section 82-153. Park Board.

The park board shall be responsible for the enforcement of this article and it shall carry out all of the provisions herein. The park board shall maintain any tree or shrub in any public place to preserve the function or beauty of such public place in accordance with the art of good arboriculture. The board may trim, remove, prune, spray, fertilize, or otherwise treat any tree or shrub in any public place when in the opinion of the board such treatment will promote the general welfare, improve the city's appearance, or alleviate any unsafe condition.

(Code 1989, § 8.08(3))

Cross References – Boards, Commissions and Committees, § 2-191 et seq.; Parks and Recreation, Chapter 66.

Section 82-154. Plan Adopted.

The park board shall develop and establish a plan for the orderly planting of trees in the terraces along city streets to reduce conflicts between trees and other public use of streets, to facilitate care of the city's trees, and to make the city a more attractive city in which to live. The plan shall designate the species of trees for each street and shall take into consideration the mature size and requirements of the species, the width of the terrace, depth of setback of buildings, location of streetlights, safety signals, and signs, existing desirable trees, and any other site factors. The annual planting plan and any subsequent changes shall be submitted to and approved by the common council.

- (1) *Planting of Trees When Streets are Widened.* When trees are removed in preparation of widening of any established street, new trees will be planted, provided in the opinion of the park board there is adequate land in the terrace to reasonably support tree growth. The cost of replanting shall be borne by the city. The park board shall determine the location of each tree to be planted and the species.
- (2) *New Streets.* Following the installation of curbing and sidewalks, the park board shall cause trees to be planted in the terraces of such streets in the proper season. The location of each tree, the species and size of stock are to be determined by the park board. All or part of the cost of such planting may be assessed against each lot or parcel of adjacent property in accordance with Wisconsin Statutes §§ 27.09 or 66.0627. The park board shall replace any tree planted under this plan which does not survive five years at no additional cost to the owners of adjacent property.
- (3) *Planting Along Established Streets.* When in the opinion of the park board, the terraces along any established street can be improved by planned tree planting, the board shall announce its plans to plant trees in the terraces in the same manner as other improvements are announced. The park board shall remove those existing trees which in its opinion would conflict with the new planting and replant the terraces along such streets. The cost of the removal of existing trees shall be borne by the city. All or part of the cost of such replanting may be assessed against owners of adjacent property in accordance with Wisconsin Statutes §§ 27.09 or 66.0627. The park board will replace any trees planted under this provision which do not survive five years at no additional cost to the owners of the adjacent property.

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- (4) *Planting Along Unimproved Streets or Other Sites.* Should any owner of adjacent property desire to plant a tree in any public place, a permit shall be obtained from the park board in which the species, size of the tree, and location shall be specified. The cost thereof shall be borne by the property owner.

(Code 1989, § 8.08(4))

Section 82-155. Planting, Care of Removal of Public Trees and Shrubs.

- (a) *Permit Required.* No person, except under order of the park board, shall plant, transplant, move, spray, brace, trim, prune, cut above or below the ground, disturb, alter or do surgery on any public tree or shrub within the city or cause such acts to be done by others without first obtaining a written permit for such work from the park board. This shall not apply to the city, public utilities or their agents.
- (b) *Exception.* No permit shall be required to cultivate, fertilize or water public trees or shrubs. The park board may authorize any person to do any work or act described in subsection (a) of this section without a written permit whenever it determines that such act or work will not be detrimental to the public interest and will be in accord with the spirit and other requirements of this section.
- (c) *Requirements and Conditions of Permits.* If the park board determines that the proposed work or planting described in an application for a permit under this section is necessary and in accord with the purpose of this section, taking into account the safety, health, and welfare of the public, location of utilities, public sidewalks, driveways and streetlights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological needs of the species or variety of tree or shrub, it shall issue a permit to the applicant.
- (d) *Form; Expiration; Inspection.* Every permit under this section shall be issued by the park board on forms prepared by it and shall include a description of the work to be done and shall specify the species or variety, size, nursery grade, and location of trees or shrubs to be planted, if any. Any work done under such permit must be performed in accordance with the terms thereof and the provisions of this section. Permits issued under this section shall expire six months after date of issue.
- (e) *Regulation of Public Utilities.* The park board, annually or as often as it deems necessary, shall meet with representatives designated by public utilities engaged in tree trimming or removal in the city to discuss clearance practices and particularly any practices the board shall find not in the best interests of the city. At the annual meeting permission shall be granted in writing by the park board to each utility to cover any clearance work to be done in the next 12-month period.

(Code 1989, § 8.08(5))

Section 82-156. Regulation of Signs, Billboards and Structures.

The park board shall have control and jurisdiction over the erection and removal of all signs, billboards, and structures on city streets, parks and playgrounds, except traffic control and other signs erected by the city. No person shall place or remove signs, billboards, or structures under this section except by permit as provided in Section 82-155.

(Code 1989, § 8.08(6))

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Section 82-157. Injury to Trees and Shrubs Prohibited.

- (a) No person shall remove, destroy, cut, deface or injure any tree in any public place in the city. Nor shall any person attach any rope, wire, chain, sign, or any other device to any tree or any public place in the city.
- (b) No person shall plant, prune or spray any tree or shrub in any public place in the city or authorize or cause the tree or shrub to be planted, pruned or sprayed without having first obtained written permission from the park board to do so.

(Code 1989, § 8.08(7))

Section 82-158. Assessments.

All or part of the cost of any work done on trees and shrubs located between the lot line and curb or improved portion of any street or alley may be assessed to the abutting owners in accordance with Wisconsin Statute § 66.0627.

(Code 1989, § 8.08(8))

Section 82-159. Interference with the Park Board or its Agents Prohibited.

No person shall prevent, delay, or interfere with the park board or its agents, employees, or servants while they are engaged in carrying out any work or activities authorized by this article.

(Code 1989, § 8.08(9))

Sections 82-160 – 82-190. Reserved.

Article VII. Numbering System

Section 82-191. House Numbering Plan.

- (a) There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues, and public ways in the city, and all houses and buildings shall be numbered in accordance with the provisions of this section.
- (b) The city is divided into four sections. The base line (dividing line) of the east and west section is the center of Fourth Street, and the base line (dividing line) of the north and south section is Wisconsin Avenue. The system of numbering shall be that generally known as the Philadelphia system, 100 or less numbers on the block.
- (c) All streets running east from Fourth Street or continuation thereof shall be designated "East", all streets running west from Fourth Street or continuation thereof shall be designated "West", all streets running south from Wisconsin Avenue shall be designated "South", and all streets running north from Wisconsin Avenue shall be designated "North".
- (d) The rule for numbering buildings of any type shall be one number for each 20 feet of frontage. Any numbers unused in a block shall be missed and the next block shall begin with the first of the next succeeding 100 numbers.

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- (e) The first number of any street, from the point of intersection, shall be 100 on the right side of the street leading away from the point of intersection and 101 on the left side of the street. The next block further from the point of intersection shall begin with 200 and 201, the next block with 300 and 301, etc., to the end of the street or to the city limits.
- (f) If blocks are longer than 300 feet the first 300 feet shall be considered a block and shall be numbered accordingly. The next 100 numbers shall begin from a point where the corner of the next block would ordinarily begin, allowing 66 feet for the width of a street not yet opened. If any streets are not yet opened, the numbering when opened shall correspond with that on streets running parallel to it.

(Code 1989, § 8.09(6))

Cross Reference – Building and Building Regulations, Chapter 18.