

## CHAPTER 4

### Sidewalk Maintenance, Inspection, and Replacement Policy and Procedure

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#### **SEC. 6-4-1 PURPOSE AND APPLICATION.**

- (a) **Purpose.** The purpose of this Chapter is to create a policy and procedure for Sidewalk inspection and replacement so as to provide for Sidewalk replacement before a Sidewalk deteriorates to the point that it could endanger the public safety.
- (b) **Application.** This chapter shall apply to any Sidewalk required by and constructed in accordance with and permitted under Title 6, Chapter 3, "Public Sidewalks Required."

#### **SEC. 6-4-2 POLICY.**

It is the declared policy of the Town of Caledonia that Sidewalks shall be kept in good repair by and at the expense of abutting property owners and that Sidewalks shall be maintained free from obstructions.

#### **SEC. 6-4-3 DEFINITIONS.**

- (a) **"Crack"** shall mean a fissure within a Sidewalk Square.
- (b) **"Depression"** shall mean a difference in elevation within a Sidewalk Square created by a sunken area, hollow, or spalling.

- (c) **“Joint”** shall mean a cleavage created for expansion purposes that separates two or more Sidewalk Squares.
- (d) **“Pitch”** shall mean the constructed slope of a Sidewalk to the street (normally one-quarter inch (1/4”) per foot).
- (e) **“Sidewalk(s)”** shall mean a public Sidewalk as defined as per Title 6, Chapter 3, “Public Sidewalks Required”.
- (f) **“Sidewalk Square”** shall mean that portion of a Sidewalk bordered by Joints and the Sidewalk edge.
- (g) **“Spalling”** shall mean a chipped or splintered condition of a Sidewalk Square.
- (h) **“Temporary Sidewalk Repair”** shall mean a repair performed on a Sidewalk or Sidewalk Square(s) that does not bring the Sidewalk up to Town specifications set forth as per Title 6, Chapter 3.

**SEC. 6-4-4 MAINTENANCE.**

(a) **Maintain Free From Hazards.**

- (1) The abutting property owner is responsible for maintaining the Sidewalk in the abutting right-of-way free and clear from conditions that could develop into a hazard as set forth in Sec. 6-4-7.
- (2) The Town may order a Sidewalk Square(s) to be constructed, repaired or replaced, per Sec. 6-3-4(c) if it exhibits a condition that could develop into a hazard as set forth in Sec. 6-4-7. Upon receipt of a notice to repair or replace the landowner must obtain a permit, as per Sec. 6-3-3(b) and complete the work and restoration within 90 days. If not completed within the allotted time, the Town may have the work completed and paid for per Sec. 6-3-4(c) and (e).

(b) **Maintain Free From Obstructions.**

- (1) The abutting property owner is responsible for maintaining the Sidewalk in the abutting right-of-way free and clear from obstructions, including but not limited to snow and ice.
- (2) Removal of an obstruction may be ordered in writing by a Sidewalk Inspector or Police Officer. Upon receipt of such an order, the property owner has 36 hours to remove the obstruction. If such obstruction constitutes a public nuisance under Sec. 11-6-2, the owner shall comply with the terms of any notice issued under Sec. 11-6-6. However, if the obstruction is snow or ice, the owner shall comply with (c) below.
- (3) If any obstruction is not removed within the allotted time, the Town may perform the necessary work to remove the obstruction, and place a special charge against the property in accordance with Sec. 66.0627, Wis. Stats.

(c) **Snow and Ice Removal.**

- (1) The owner of each parcel of real estate in the Town abutting or bordering upon any street or other public place shall remove or cause to be removed all snow and ice from the Sidewalk in front of, along the side of, or adjacent to such premises to the full paved width of such Sidewalk within 36 hours after such snow or ice shall have fallen or accumulated thereon.

- (2) In the case of snow and ice on the Sidewalk that is frozen so hard that it cannot be removed without damage to the Sidewalk, the owner of every parcel of real estate shall within 36 hours cause the Sidewalk abutting or adjacent to such premises to be strewn and kept strewn with sand or some other suitable material, and shall, as soon thereafter as the weather shall permit, thoroughly clean such Sidewalk.

#### **SEC. 6-4-5 PROCEDURE.**

- (a) The Town Engineer shall have the authority of the Public Works Committee as provided for under Sec. 66.0907, Wis. Stats., and he/she shall designate one (1) or more subordinates as Sidewalk Inspectors who shall have the duty of inspecting the Sidewalks within the Town and ordering and arranging for the repair and/or replacement of Sidewalks. The costs of Sidewalk repair and/or replacement, where performed by or through the Town, shall be placed upon the tax rolls pursuant to Sec. 6-4-6 of this Code of Ordinances, unless paid for in-full prior to the next opportunity to place such costs upon the tax rolls.
- (b) Sidewalk Inspectors and sworn police officers may enforce Sec. 6-4-4, "Maintenance."

#### **SEC. 6-4-6 NOTICES AND COST RECOVERY.**

Sec. 66.0907, Wis. Stats., incorporated herein by reference, and Sec. 6-3-4(e) of this Code of Ordinances shall govern notices and cost recovery from property owners by placement on the tax rolls.

#### **SEC. 6-4-7 CONDITIONS THAT COULD DEVELOP INTO HAZARDS.**

Sidewalk Inspectors shall consider the following conditions which, if not addressed, could develop into a hazard, in determining whether to order a Sidewalk Square replaced or repaired:

- (a) There is a difference in height at the Joint greater than one inch (1") in the elevation of adjacent Sidewalk Squares or in business and commercial districts where there is a difference in height at the Joint greater than one-half inch (1/2").
- (b) The Pitch of the Sidewalk is greater than one inch (1") per foot or the Pitch is in the opposite direction than provided for according to Town Specifications pursuant to Title 6, Chapter 3.
- (c) There is a Crack greater than one-half inch (1/2") in width or in business and commercial districts where there is a Crack greater than one-quarter inch (1/4").
- (d) There is a difference in height greater than one-half inch (1/2") in the elevation of adjacent sections of a Sidewalk Square separated by a Crack.
- (e) There is a Depression greater than one-half inch (1/2") within a Sidewalk Square or in business and commercial districts where there is a Depression within a Sidewalk Square greater than one-quarter inch (1/4").
- (f) There is Spalling over more than fifty percent (50%) of the area of a Sidewalk Square that has not resulted in a Depression greater than one-half inch (1/2").
- (g) There has been a Temporary Sidewalk Repair.

This list of conditions is not a complete list of conditions. Sidewalk Inspectors may encounter other conditions that could develop into a hazard and therefore may address those conditions as though they were addressed in this Section.

**SEC. 6-4-8 TEMPORARY SIDEWALK REPAIR.**

No Sidewalk Square shall be ordered or arranged to be repaired by way of Crack fillers, wedges, surface treatments or the like by a Sidewalk Inspector, except as a temporary measure pending replacement. Sidewalk Squares which, upon inspection, are noted to have been temporarily repaired shall be replaced. However, where the only defect is a difference in elevation due to settlement, it shall be permissible to remedy said condition without replacing the Sidewalk Square.

**SEC. 6-4-9 DOCUMENTATION OF INSPECTION.**

Sidewalk Inspectors, upon finding a Sidewalk in need of replacement or repair, shall document the date of the Sidewalk inspection and condition of the Sidewalk, and notify the property owner in writing of the condition of the Sidewalk and corrective action required pursuant to Sec. 6-4-4(a)(2) of this Code of Ordinances.

**SEC. 6-4-10 SUMP PUMP DISCHARGE.**

Discharge from a sump pump shall not be directed so as to cause discharge to flow over any Sidewalk. Sump pump discharge shall not be directed in such a manner that will cause it to accumulate upon a Sidewalk. If sump pump discharge is in violation of this section, it may be declared a public nuisance. Whenever a sump pump discharge is determined by the Town Engineer to have flowed over or accumulated upon a public Sidewalk, the Town Engineer may order the owner of the property that is the source of the discharge to redirect the sump pump discharge or bury under the Sidewalk a nonporous conduit for the discharging waters. The conduit shall be cut into the storm sewer, where present, under the direction of the Town Engineer.

**SEC. 6-4-11 NOTICE TO PROPERTY OWNER AND REVIEW OF DETERMINATION.**

Where the Town Engineer has determined that the discharge from a sump pump is unlawful, the Town Engineer shall notify the property owner thereof and order compliance with this ordinance within thirty (30) days following the date of the notice. When the Town Engineer has determined that the discharge from a sump pump has created a public nuisance, it shall be declared as such and abated pursuant to the procedures under Sec. 11-6-6 of this Code of Ordinances. Such determinations are reviewable pursuant to Title 4 of this Code of Ordinances, except that any review of a determination of a public nuisance must be requested within ten (10) days of service of notice.

**SEC. 6-4-12 OBSTRUCTIONS FROM PERSONAL TRANSPORTATION DEVICES.**

Personal transportation devices may not obstruct a public Sidewalk from use by persons on foot. A Personal Transportation Device is any item used to aid in transportation including, but not limited to, bicycles, skateboards, scooters, in-line skates, roller skates, and wheel chairs. A Personal Transportation Device may not be motorized, with the exception of wheel chairs or other devices used by disabled persons. Personal Transportation Devices may be used upon public Sidewalks, however, the operator must yield the right-of-way to pedestrians on foot, unless such operator is using a wheel chair or other device used by disabled persons. Failure of an operator of a personal transportation device to yield the right of way to a pedestrian on foot is punishable as per Sec. 6-4-13 of this Code of Ordinances.

**SEC. 6-4-13 PENALTY.**

In addition to the provisions set forth in this Chapter, any person, firm, or corporation which violates the provisions of this Chapter shall be subject to a penalty as provided in Sec. 1-1-6 of the Code of Ordinances.