

"CHAPTER 7

STREETS, SIDEWALKS, AND PUBLIC INFRASTRUCTURE

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7.01 Street Names and Numbers. The names and numbers of all streets within the corporate boundaries of the City of Manitowoc shall be indicated on the current map on file in the City Planner's Office. New street name designations and changes in street names shall be effectuated by ordinance. Such ordinances shall be kept on file in the Office of the City Clerk and the maps in the Office of the City Planner shall be changed accordingly. The ordinances themselves, however, shall not be separately printed in the Manitowoc Municipal Code. Street name designations and changes shall be initiated by the City Planner or his/her designee and approved by the Chief of Police, the Fire Chief and the City Engineer. Efforts shall be made to avoid names that will lend confusion to the emergency services or names that are similar to existing street names in the City of Manitowoc or any municipality nearby.

7.02 Rules for Numbering Lots, Tracts and Parcels of Land Fronting and Abutting on Streets. The lines of all lots, tracts and parcels of land fronting and abutting on streets in the City of Manitowoc shall, for the purpose of numbering the same, be divided into Sections of twenty-five feet each, as near as practicable according to the width and length of such lots, tracts or parcels of land to be numbered as hereinafter provided.

(1) Streets Running East and West. On all streets within said city running in an East and West direction, the numbers of said Sections shall be as follows:

Commencing with the number Two Hundred upon Second Street, sections shall be numbered westward, from Two Hundred upwards on each side of the street alternately, the Even numbers to be placed on the North side of the street and the Odd or Uneven numbers on the South side thereof. Each succeeding block to begin the numbering with the number of the street multiplied by One Hundred.

(2) Streets on the North Side of the Manitowoc River, Running North and South. On all streets on the North side of the Manitowoc River in said city running in a North and South direction the numbering of said Sections shall be as follows:

Commencing with number One on the North line of the Manitowoc River from Tenth Street, East to Lake Michigan to number One Hundred or less as the case may be on Maritime Drive; from Maritime Drive North to York Street with the number One Hundred and to increase by units to the end of the Block, each block to begin with an additional One Hundred and to increase by units as above set forth, the Even numbers to be on the East side thereof.

(3) Streets on the South Side of the Manitowoc River, Running North and South. On all streets on the South side of the Manitowoc River in said city running in a North and South direction the numbering of said Sections shall be as follows:

In the block North of Wollmer Street the numbering shall begin with the number Six Hundred; thence to increase Southward by units to the number Seven Hundred or less as the case may be, the block South of Wollmer Street to begin with the number Seven Hundred and to increase Southward by units as aforesaid, the next block South to begin with the number Eight Hundred each subsequent block to begin with an additional hundred except as hereinafter provided, the Even numbers to be in the West side of the street and the Odd or Uneven numbers on the East side thereof.

(4) Streets East of Tenth Street on the South Side of the Manitowoc River. On streets East of Tenth Street on the South side of the Manitowoc River such numbering shall be as follows:

Commencing at the Manitowoc River with the number Eight Hundred, and increase by units Southward to Franklin Street; at Franklin Street such numbering shall commence with the number Nine Hundred and increase by units Southward to Washington Street; at Washington Street such numbering shall commence with the number One thousand and increase by units Southward to Marshall Street, the Even numbers to be on the West side of the street and the Odd or Uneven numbers on the East side thereof.

" (5) Streets in an Area North of E. Waldo Boulevard and East of the Little Manitowoc River and Johnston Drive. The following described "base line" will designate the street name prefixes and address numbering system for an area in the northeast portion of the City of Manitowoc.

The new "base line" is described as follows: Commencing at the intersection of Waldo and E. Waldo Boulevard and the Little Manitowoc River; thence northerly along the center of the Little Manitowoc River to the intersection with Reed and E. Reed Avenues; thence extend due north to the center line of the Canadian National/Wisconsin Central Rail Road right-of-way; thence easterly along the railroad right-of-way to the center line of Johnston Drive; thence northerly along Johnston Drive to the City limits line.

All dedicated, constructed, or renamed east-west running streets east of the base line shall use the prefix "East" or "E" before the street name. Any improved street not using the "East" or "E" prefix prior to September 1, 2002 shall not be required to use said prefix.

All newly assigned address numbering shall conform with the existing block addressing system on record in the City Planning Department.

(6) Assigning and Placing of Uniform Property Address Numbers. (a) Maintenance of Numbering System. The City Planning Department shall make the necessary survey and assign to each building located on any street, avenue or highway in the City of Manitowoc, its respective numbers under the system provided for in this Section. When the City Planning Department has completed the survey and assigned to each building so located its respective number(s), the owner or occupant of the building shall be responsible for obtaining the address number(s) and frame(s), and for the placing of proper number(s) on said buildings. The placement of these numbers shall be uniform with other such buildings, and shall appear as the Common Council shall designate. The cost of address numbers and frames, as established by resolution of the Common Council, shall be borne entirely by the owner or occupant of the building.

Where an existing structure, located in territory annexed into the City, shall be required to modify its property address either because of a change in street reference, or because the placement, size or other characteristics of the building's existing address display is not in compliance with the City standards the owner or occupant of the building shall be notified by the City Clerk, and required to purchase from the City new address number(s) and frame(s), at a cost established by resolution of the Common

Council. Failure to comply with requirements in this Section within six (6) months from the date of delivery of the notice of address change under Section 7.02(6)(b) shall be deemed in violation of this ordinance and subject to penalties under Section 15.63.

(b) Numbering System in Newly Annexed Lands. All properties located on, and with a current property address referenced by a U.S. Highway, State Trunk Highway, or County Trunk Highway, shall, effective the date after legal publication of an Annexation Ordinance, no longer have its address identified by the above referenced highway designation. Said properties shall be referenced and identified by the official City street name which adjoins the above referenced highway, or if no such City street name exists, by a street name so designated by the City Planning Department in accordance with Section 7.01.

Within 60 days after the date of publication of an Annexation Ordinance, the City Clerk shall be responsible to promptly provide written notice by certified mail, return receipt requested, to the Manitowoc Post Office and to all property owners and residences located in any newly annexed area to the City, apprizing said parties of the property's formal street address in the City of Manitowoc.

(c) Placement of Street Address Numbers. The owner of any property to whom a street address number has been assigned shall display and maintain the street number upon a building located on such property. The street address number shall be located on the front face of the building or premises so as to be readily visible from the street. In wooded areas, fenced in enclosures or other areas where the front face of the building is not readily visible from the street, the address number shall also be displayed parallel to the street so that it is readily visible from the street.

(d) Violation. It shall be unlawful for any persons to alter any number or, as an owner to display any improper number other than the one designed by virtue of this section, or to otherwise violate any requirement in this section.

7.03 Duties of Street Commissioner Assigned to City Engineer. Street Commissioner's duties are to be hereafter performed by the City Engineer.

7.04 Standard for Determining Elevations. Vertical Datum Defined. The word "Datum" wherever used in the City of Manitowoc shall mean "United States Coastal and Geodetic Survey," (U.S.C. and G.S.) Sea Level Datum of 1929.

The U.S.C. and G.S. (Sea Level Datum of 1929) elevation of 577.93 equals the low water datum for Lake Michigan of elevation 576.8 International Great Lakes Datum (I.G.L.D. 1955).

This U.S.C. and G.S. 1929 Sea Level Datum replaces the datum adopted by the city December 21, 1925, and used until 1969 which was 581.63 feet above the mean tide in New York Bay.

This ordinance shall not govern the meaning of the expression "Datum" wherever any other meaning is by the context clearly expressed, nor shall this ordinance effect a change or alteration in the established grade of any street in said city.

7.045 Standard for Determining Horizontal Control
Horizontal Control is referenced to the NAD 83(91) [North American Datum 1983 High Precision Network 1991], Manitowoc County Coordinate System.

7.05 City Engineer to Prepare Plans and Specifications for Pavement of Streets. Whenever any street or portions of any street shall have been ordered to be graded and graveled and/or paved the City Engineer shall prepare plans, profiles and specifications of the street, curb lawn and sidewalks in said streets or portion of said streets together with any necessary stormwater and sanitary

sewer utility plans and profiles. All plans shall be completed for the Board of Public Works as required by State Statute. Said plans shall be maintained on file in the Engineering Department and shall be available to the public for viewing during ordinary working hours. Copies of final completed plan sets shall be made available upon request at a fee approximately equivalent to the reproduction cost under the City of Manitowoc public records policy and in conformance with State Statute.

7.07 Curb and Gutter and Driveway Work.

(1) Permanent Curb and Gutter Work to be Completed According to Plans and Specifications of City Engineer. All permanent curbs and gutters constructed within the City of Manitowoc as hereinafter provided, shall be completed according to plans and specifications of the City Engineer; said plans and specifications to apply to all curbs and gutters except those constructed at street intersections.

(2) Driveways

(a) Permit. No person, firm, or corporation shall construct or maintain any driveway across any sidewalk or curbing without first obtaining a permit for such construction from the City Engineer. The City Engineer shall maintain appropriate permit forms and records as necessary to assure only quality driveways be constructed and as necessary to assure that the public is protected financially and protected with appropriate traffic control measures.

Permit fees shall be as approved by Resolution of the Common Council.

(b) Standards. All construction of driveways shall be completed in a workman like manner, shall be in conformity with the City of Manitowoc design standards, and shall conform to the conditions of the driveway permit.

(c) Width. No driveways shall exceed twenty-five (25') feet in width at the outer or street edge of the sidewalk, except that driveways may be up to thirty-five (35') feet in the case of: (1) business or commercial properties, and (2) residential duplex dwelling units which have adjoining garages with at least two parking stalls for each unit, unless special permission is obtained from the Board of Public Works.

(d) Location. No driveway shall be constructed within twenty-five (25) feet of any block corner. No driveway shall abut any portion of a street where an auxiliary turning lane exists opposite any portion of the driveway. No driveway shall be constructed within fifty (50) feet of a block corner at an intersection where there exists a traffic signal or on any roadway on which the posted speed limit is greater than 30 mph. The City Engineer may waive, in writing any prohibition.

(e) Safety Island. Where two or more adjoining driveways are provided for the same property, a "pedestrian safety island" space of a minimum of fifteen feet measured along the outer or street edge of the sidewalk shall be required between said driveways.

(f) Driveway Apron. No driveway apron shall extend out into the street further than the face of the curb, and under no circumstances shall such driveway apron extend into the gutter areas. All aprons which are constructed or reconstructed shall be paved with concrete. Driveways shall be located a minimum of three feet from the property line (five feet for non-residential), such that no part of the driveway apron extends across the property line extended to its intersection with the curb. No permit shall be issued for the construction of a driveway apron until the curb and gutter have been installed along the street where said apron is to be placed.

(g) Median Openings. Median openings to facilitate driveway access shall be approved by the City Engineer. As a

condition of driveway permit approval, median access may be eliminated as determined by the City Engineer. No median access shall be allowed within auxiliary lane areas.

(3) Permanent Curb and Gutter Work to be Completed Directly by the City. Any and all permanent curb and gutter work may be completed by city forces without submitting the same for bids. The cost of constructing the first curb and gutter plus inspection costs assessed on a per lineal foot basis on any street in the City of Manitowoc shall be charged to the particular property abutting thereon according to the amount of the lowest bid for the construction of said curb and gutter as awarded by the Common Council of Manitowoc in the most recent contract for curb and gutter work.

(4) Preceding Regulation to Apply to All Curb and Gutter Work. This section shall apply to all curb and gutter work whether ordered completed in response to a petition filed therefore, or ordered completed without a petition therefore having been submitted or filed in conformity with subsection (4) of Section 62.22 of the Wisconsin Statutes.

7.08 Improvement of Street Intersections. The cost of the improvement of all street intersections shall be paid by the City of Manitowoc. The expense of installing curbing from the lot line to the corner of each block in the City of Manitowoc, shall be paid by said city as will the expense of installing curbing across all public grounds. All curbing provided for in this section shall be completed under the supervision of the City Engineer of the City of Manitowoc.

7.09 Grade and Construction of Sidewalks.

(1) Permit Required. Any person, firm or corporation laying new sidewalks, relaying existing sidewalks, or repairing existing sidewalks in any way shall make application to the City Engineer for a permit before commencing work. The City Engineer shall maintain appropriate permit forms and records as necessary to assure only quality and necessary sidewalks be constructed to assure that the public is protected financially and protected with appropriate traffic/pedestrian control measures.

Permit fees shall be as approved by Resolution of the Common Council.

(2) Grade. The grade of all sidewalks hereunder constructed or relayed shall be a grade established by the office of the City Engineer.

(3) Construction. All new sidewalks hereafter constructed or existing sidewalks which are relayed on any street shall be of concrete construction. Decorative walks such as exposed aggregate and flagstone embedded in concrete, may be installed by the owner only if approved by the Board of Public Works.

(3a) Recreational Trails. Recreational Bike Paths may be constructed with concrete or asphalt as determined by the City Engineer.

(4) Curb and Gutter to be Installed. No permit shall be issued for the laying of a sidewalk until the curb and gutter have been installed along the street where said sidewalk is to be placed.

(5) Location of Sidewalk. In any business district in which the zoning ordinance or official map does not require any building or off street parking setbacks from the property line, sidewalks shall be laid from the lot line to the curb.

Sidewalks in any block where a portion of the sidewalk falls within a business district that requires a building or parking setback or sidewalks on a collector or arterial street shall be a minimum of five feet four inches wide and the inner edge thereof shall be eight inches from the lot line.

All sidewalks hereafter constructed in areas other than as stated above shall be four feet in width and the inner edge thereof shall be eight inches from the lot line.

These requirements may be waived or modified by the City Engineer as may be required for practical design purposes.

(6) Sidewalks Compulsory. Sidewalks shall be constructed on any portion of any side of any street:

(a) Where the Board of Public Works determines a sidewalk is necessary for the public health and safety; or

(b) Where curb and gutter have been installed and one of the following conditions exists:

- (i) Fifty percent or more of the property by frontage on said side of the street in the block is improved with building improvements, or,
- (ii) Fifty percent or more of the property owners by frontage on said side of the street in said block have installed sidewalks, or
- (iii) Eighteen months have expired after the issuance of a building permit to the owner of the property on any portion of any street, or
- (iv) Twelve months have expired since the installation of curb and gutter on the portion of the street abutting said property.

This sub-paragraph (b) shall not apply to property zoned and in actual use for agricultural, recreational or industrial purposes, but such property shall be subject to sub-paragraph (a).

(7) Appeal. Any owner of a lot or parcel of land served with a notice or order to construct a sidewalk pursuant to this Section may individually petition the Board of Public Works for relief therefrom. The Board may alter, suspend or remove the assessment if it is proven the assessment is not in conformance with state law or the municipal code.

7.092 Curb Ramping.

(1) The standard for construction of curbs on each side of any street in the City of Manitowoc or any connecting street or road for which curbs have been prescribed by the Common Council of the City of Manitowoc shall in all cases provide for ramps for barrier free access to the sidewalk at the crosswalks at intersections.

Such ramps shall meet the Wisconsin Department of Transportation (WDOT) Facility Manual Guideline in physical dimensions and location but shall not necessarily meet the WDOT specifications for paint markings.

(2) Standards set for curb ramping under Sub. (1) shall not apply to any curb existing upon enactment of this Section but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk. Sub. Sec. (1) shall also apply to any applicable location where the City of Manitowoc has self performed or contracted for adjacent concrete or asphalt road replacement work.

7.10 Offenses. It shall be unlawful, and it is hereby declared to be unlawful, for any person:

(1) **Obstruct Pedestrian Ways.** To set up scaffolding, occupy the sidewalk area, obstruct the sidewalk, place materials in the pedestrian way, or in any other way impede the pedestrian flow of traffic for the purposes of constructing or maintaining adjacent property or for any other purpose without first obtaining a right of way use permit. If fees are required for such a permit, the rate shall be set by a resolution of the Common Council.

(2) Materials Not to be Dropped, Scattered or Deposited on Streets or Alleys. To scatter or deposit on the streets or alleys of the City of Manitowoc, any ashes, sand, earth, clay, stone, leaves, brush, grass, yard waste, or other grading materials or material collected in cleaning streets or alleys or private premises and no person, who in conveying any such material on or upon any street or alley in said city, shall permit or suffer any such material or any snow to be dropped or scattered upon any such street or alley.

(3) No Open Hatchway Without Barrier. To permit any hatchway or opening in the sidewalk to remain open without a suitable barrier enclosing it on all sides as defined by the Manual on Uniform Traffic Control Devices for Streets and Highways and/or by the City Engineer.

(4) Altering Grades of Streets, Sidewalks, etc. To alter, change, or cause to be altered or changed, the grade of any street, sidewalk, alley, park or other public grounds within the City of Manitowoc.

(5) Placing, Breaking or Removing Guard, Barricade at Street, Sidewalk or Public Place. To erect and barricade or traffic control device or to interfere with, break down or remove, or cause to be interfered with, broken down or removed, any guard, protection, barrier or barricade, placed in any street, sidewalk, alley or other public place, as a protection of the City of Manitowoc against damages or the traveling public against injury, or any work or improvement against damages, except as duly authorized. All traffic control devices shall be constructed and placed such that they meet or exceed the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) standards and shall be reflective and in clean good working order. Persons placing such traffic control devices must be duly authorized employees of the City of Manitowoc, Manitowoc County or the State of Wisconsin or must be specifically authorized by the Director of Public Works through contract or permit.

(6) Hand Carts on Sidewalks. Exception. To propel or place any cart or vehicle pushed or pulled by hand, on any sidewalk in the City of Manitowoc, except only carriages, carts and sleighs for small children and wheelchairs occupied by such person unless a permit is granted by the Director of Public Works.

Section 7.10 shall not apply to persons authorized by the Director of Public Works to perform such acts in the course of Official City business.

7.11 Regulations of Railroads Operating in the City of Manitowoc. Penalty.

(1) Construction and Maintenance Debris and Materials. All construction debris and maintenance materials created by or used in the necessary tasks pertaining to the operation of any railroad operation located within the City Limits shall be removed within a 12 month period beginning at the time of placement. The purpose of this ordinance is to assure a tidy rail operation. Therefore, material relocation as a remedy to this section shall not be sufficient to accommodate the intent of this ordinance.

(2) Maintenance within the City ROW. When operations of the Railroad requires work to be completed within the City ROW, 48 hours notification of such work shall be given in writing to the City Engineer before such work commences.

(2)(a) Snow removal in Railway Crossings. The City of Manitowoc will remove the snow located on the track crossings where they intersect public roads. The railroad shall remove snow from the pedestrian crossings at the same tracks and in accordance with other applicable ordinances and agreements.

(3) Obstruction of Crossing by Trains. No person in charge of any railroad car, engine or tender, or any railroad in the City

of Manitowoc, shall suffer any railroad car, engine or tender under his control or charge to operate, or remain in any street crossing in the City, so as to obstruct the free passage of traffic along said street and across such railroad track more than five minutes at any one time. A street crossing shall be determined blocked when kept closed to traffic by acts of the railroad, the railroad's equipment or equipment operated by the railroad, or the railroad's agents or employees in permitting the operating of a train over a street crossing for more than the specified five minute periods without allowing a two minute interval for the movement of traffic. If two railroad lines are involved, the one occupying the street crossing at the time the five minutes is exceeded, shall be deemed in violation.

Penalty. Any railway Company, its successors or assigns, or any person or persons in charge, who shall fail, neglect or refuse to comply with any of the provisions of this Section, shall be punished by a forfeiture of not less than One hundred dollars (\$100) nor more than Five Hundred Dollars (\$500).

7.12 Permit Required for Privileges In Streets. It shall be unlawful for any person, except upon a permit granted by the City Engineer:

(1) **Excavate and Build Cellar, Vault, Coal Bin Under Sidewalk or Street.** To excavate for and build, or cause to be excavated for and built, a cellar, vault, coal bin or other room under a sidewalk or street in front of any store or place of business.

(2) **Excavate for Cellar, Cistern, Well, Hole Near Street, etc.** To excavate or cause to be excavated a cellar, cistern, well, or other depression, on or so near the line of a street sidewalk, alley or other public ground within the City of Manitowoc, so as to endanger the public use thereof or the life or limb of any person passing there over.

(3) **Excavate or Build Passageway, Trench, Drain, Sewer.** To excavate for or build, or cause to be excavated for or built, a passageway, trench, drain or sewer, within, along or near such street, sidewalk alley, park or other public ground.

(4) **Erect, Construct, Place, Maintain Telegraph, Telephone or Electric Light Poles, etc.** To erect, construct, place or maintain or cause to be erected, constructed, placed or maintained, any telephone, telegraph or electric light pole or poles, any scaffold, platform, bay window, sign or canopy, any extension of a building, or any rope, wire or chain, within or over any street, alley, sidewalk, park, or other public ground within the City of Manitowoc or to place or remove any underground utility, service, pipe or equipment whether excavation is or is not required.

(5) **Stairway or Entrance from Sidewalk or Street into Basement or Cellar.** To build any stairway or entrance from a sidewalk or street into a basement or cellar adjoining or within any street, park or other public ground within the City of Manitowoc.

(6) **Hole or Opening Within Sidewalk Space.** To build or cause to be built, or suffer to exist, any area, hole or opening within any sidewalk space.

(7) **Remove Building.** To remove or cause to be removed any building upon, within, along, over or across any street, sidewalk, alley, park or other public grounds within the City of Manitowoc.

(8) **Build or Repair Building Adjoining Where Material is Placed.** To build or repair any building next to and adjoining any street or sidewalk whereby material may be placed or work performed within such street or sidewalk.

(9) **Use Street, etc. for Deposit of Building Materials.** To use any street, sidewalk, park or other public ground for the deposit of building materials, or the doing of any work or labor within the same, in the moving, taking down, raising, erection and construction of any building.

Compliance with subsections (7), (8) and (9) does not excuse a person from complying with all other applicable local, state and federal permits as required.

(10) Break, Dig Up, Remove any Pavement, Macadam, Earth Within Street, etc. To break, dig up, remove, or in any way displace, or cause to be broken, dug up, removed or in any way displaced, any pavement, macadam, gravel or earth within any street, sidewalk, alley, park or other public grounds, which might otherwise not be lawfully done.

(11) Drive or Leave Standing any Loads, etc. on Sidewalk. To drive or leave stand upon or within any sidewalk, any wagon, sleigh or other loaded vehicle, loaded with coal, wood or any other freight, whether for the purpose of unloading, loading or other side-disposing of the same, without first having obtained a written permit from the City Engineer.

(12) Excavate on Improved Streets. Power Saw. For any person to excavate or open an improved paved street except with the use of a power saw.

(13) Remove Cover, Work Within or Enter Underground Structure. To remove, or cause to be removed, the cover of an underground structure or facility of any kind. To work within, or enter, or cause to enter, any underground structure or facility of any kind.

(14) Place Dumpster in Right-of-Way. To place a dumpster, or cause a dumpster to be placed in, along, or near any portion of the right-of-way of any street, avenue or road located within the City limits.

(15) Penalty. Failure to obtain a permit in violation of this Section shall be punishable by a forfeiture of not less than \$50 nor more than \$500 in addition to actual damages and costs incurred by the City of Manitowoc.

(16) Banners Prohibited. Notwithstanding anything hereunder to the contrary, the placing of banners over traveled portions of any streets in the City of Manitowoc is hereby prohibited. No permit may be issued for the placing of any such banner.

(17) Non-Traffic Signs. The City Plan Commission is authorized to grant authority to service clubs, fraternal, non-profit or similar organizations, at their own expense only, to install welcome or similar type signs at such locations and subject to such other conditions as may be established by the Plan Commission.

(18) Permanent Infrastructure or Equipment. Place permanent infrastructure or equipment within public right of way or property without maintaining records of such placement by way of maps or plans with sufficient notation as to allow determination of its location within two feet of its actual location. Said maps or plans shall be filed with the office of the City Engineer. Such persons shall also be required to mark such features utilizing the State of Wisconsin "Hotline" utility marking system.

7.125 Location of Mailboxes.

(1) Definition. As used herein, the term "mailbox" shall refer to mailboxes, newspaper delivery boxes and similar devices used to receive mail, newspapers or similar materials.

(2) Grant of Permission. The City of Manitowoc hereby grants residents in the City permission to erect and maintain mailboxes within street right-of-way adjacent or near to such person's residence, subject to all of the requirements of this Ordinance.

(3) Location Requirements. Any mailbox located within street right-of-way shall be subject to the following location requirements:

(a) Mailboxes shall comply with all requirements established by the United States Post Office.

(b) All mailboxes on street right-of-way shall be placed on the right side of the street in the direction of the delivery route, except in the case of one-way streets.

(c) All mailboxes shall be placed at the far side of the driveway in the direction of the delivery route.

(d) All portions of the mailbox and support structure shall be set back from the street as follows:

1. On curbed streets, a distance of at least eight (8) inches from the curb face extended upward,

2. On streets with paved or gravel shoulders, a distance of at least eight (8) inches from the outer edge of such shoulder, and

3. On streets without shoulders, a distance of at least eight (8) feet from the outer edge of the paved lane.

(e) Mailboxes shall be located a minimum of 50 feet from any intersecting road in the direction of the delivery route.

(f) The bottom of the mailbox shall be a minimum of 42 inches to a maximum of 48 inches from the street surface.

(4) Structural Requirements.

(a) Mailboxes shall be of light sheet metal, plastic or similar construction.

(b) Support structures shall be designed to break off if struck by a vehicle and shall not exceed the following dimensions:

1. Four (4) inches by four (4) inches, in the case of a square wooden post,

2. Four and one-half (4½) inches diameter, in the case of a round wooden post,

3. Two (2) inches inside diameter, in the case of steel pipe, or

4. Two (2) pounds per foot, in the case of a steel channel.

No support post shall be placed in concrete. Metal posts shall not be fitted with anchor plates, but may have an anti-twist device that extends no more than ten (10) inches below the ground surface.

(c) No more than two mailboxes shall be mounted on one support post. Light weight newspaper boxes mounted below a mailbox shall not be counted for purposes of this restriction.

(d) The mailbox shall be firmly attached to the support structure to minimize the possibility of separating from the support if struck by a vehicle.

(5) Modification to Requirements. The Director of Public Works may impose additional requirements to the requirements contained in this Ordinance where necessary for public safety. Variances to the requirements of this Ordinance may be approved by the Director of Public Works on a case by case basis where public safety is found not to be compromised.

(6) Removal. Mailboxes installed or maintained in violation of this Ordinance shall be subject to removal pursuant to Wis. Stat. §86.04.

7.13 Permit. How Secured. Every person applying for a written permit for any of the purposes mentioned in this chapter shall present to the City Engineer an application in writing, in triplicate, signed by the applicant or a duly authorized agent, and include the following: name and place of residence; the purpose or work for which such permit is desired; the period of time to begin and complete the work and the location thereof; an agreement by the applicant that in case a permit is granted, that the applicant will conform to and comply with all ordinances, rules and regulations of the city pertaining to the work or purpose for which a permit is requested; pay all damages caused to public or private grounds or suffered by private persons caused by the applicant, agents, employees or servants in the doing or execution of the work for which the permit may be granted and that the applicant will keep and save the City of Manitowoc free and harmless from any damages or against it by reason of the failure, fault or neglect by the applicant, the applicants agents, servants or employees in the execution of the work for which such permit is granted. The applicant shall also satisfy the City Engineer, if required to do so, that the applicant is financially able to pay any damages or claims for which the applicant may become liable under such an agreement, or that the applicant will file with the City Engineer a sufficient bond or letter of credit for such purpose approved by the City Engineer in writing before the permit is issued. The permit shall be issued in triplicate by the City Engineer, the original and copy to be filed with the application in the office of the City Engineer, one copy of the permit to be delivered to the applicant. Should the applicant fail to pay the City of Manitowoc any damages or claims which result from the street opening, the abutting property owner shall be charged said damages or claims as a special assessment pursuant to Section 66.0701 of the Wisconsin Statutes and the Clerk shall process said damages or claims pursuant to that Statute.

7.14 Restoration of Street Surface. Any person, firm or corporation granted a permit pursuant to Section 7.13 shall deposit with the City Engineer at the time the permit is granted a sum of Sixty Dollars (\$60.00). Said amount shall constitute the amount for the permit only. The cost to restore the street surface shall be borne by the applicant. The City Engineer shall maintain a schedule of prices for the temporary and permanent restoration of the street surface and shall equally enforce such charges as are necessary to fund the approximation of the actual cost of street restoration.

On concrete streets, opened within five years after construction, the replacement of concrete shall be from existing joints to existing joints and the permit holder shall be charged accordingly. Private and public utilities shall be charged based upon time and materials for the actual repair.

The City Engineer shall require action of the permit holders, on behalf of the public, to limit damage to streets and reduced pavement life through the policies and permit charges.

7.15 City Engineer Not to Approve Permit. When. No permit shall be approved by the City Engineer to any person, firm or corporation for the purposes mentioned in Section 7.12 of the Municipal Code in the event the applicant has failed to comply with all the ordinances, rules and regulations of the City pertaining to the work or purposes for which a previous permit was granted.

7.16 When Permit Not Required. No person having a contract with the City of Manitowoc for doing any work on any street, sidewalk, alley, park or other public ground within the City of Manitowoc, shall be required to obtain a written permit for any work explicitly covered by and included in the contract.

7.17 Warning Signs Required.

(1) Where Required. Every person to whom a permit shall be granted to build, repair or remove any building, or to use any street or sidewalk for the deposit of building material, shall enclose or cause to be enclosed on all sides, within or exposed to

a public street, alley, sidewalk, park or other public place, any obstruction, viz., any excavation, cellar, vault, coal bin or other room, well, cistern, hole or other depression, passageway, trench drain, sewer, open area, opening, building, building material, broken-up sidewalk, pavement, macadam, gravel, earth or other obstruction, within or adjoining any street, sidewalk, alley, park or other public ground within the City of Manitowoc, shall place traffic control(s) in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways" (M.U.T.C.D.), 1988 Edition, including the 1992 Supplement and the new Part VI, Revision 3, September 3, 1993; (Standards and Guides for Traffic Controls for Street and Highway Construction, Maintenance, Utility and Incident Management, Operations) or latest edition. Sign sizes smaller than the standard sizes described in the M.U.T.C.D. shall be prohibited. All signs and other roadway delineation equipment shall be reflective and of engineer grade or better. All signs and other roadway delineation equipment shall be clean and in good working order.

(2) Protection of Curb and Gutter. No equipment shall be allowed to cross a curb and gutter section where a driveway does not exist unless appropriate protective measures are taken including but not limited to wood planking or gravel placement. Such access shall be confined to one 35-foot wide access per 100 foot of frontage under construction. The City Engineer shall have the authority to deny any such access for reasons of public safety or determination of appropriateness.

7.19 Nothing to Extend Over Sidewalk Except on Permit. No porch, door, gallery, stoop, platform, entrance to basements, fire escapes, railing or grating shall be allowed to extend into, upon or over any sidewalk, without a sidewalk privilege agreement. Such an agreement shall indemnify the City of Manitowoc, and shall contain a specific drawing indicating the precise location of such an encumbrance. The agreement shall be annual and shall be automatically renewable until revoked by the City Engineer or until ownership of the property changes.

7.20 Merchandise and Fixtures on Sidewalks. No goods, wares, merchandise, articles or fixtures of any kind or description shall be displayed or stored on any sidewalk outside of any place of business or otherwise placed so as to obstruct any sidewalk in the City, except while being loaded or unloaded and then not for a period of more than 2 hours. Notwithstanding this requirement, the Board of Public Works is authorized to grant exceptions to this requirement, with a sidewalk privilege agreement, where the proposed use of the sidewalk would not create an unreasonable obstruction or risk.

7.21 Snow and Ice on Sidewalks and Roofs.

(1) Removal. It shall be the duty of the lessee, occupant of the first or ground floor or person having charge of a building, or, if there be no lessee, occupant or person having charge, then the owner of each and every parcel of real estate in the City of Manitowoc, abutting or bordering upon any street, avenue, highway or other public place, to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full paved width of such sidewalks. Any new fallen snow or newly formed ice which is on any such walk at six o'clock in the forenoon of any day, shall be removed from such walk by eight o'clock in the evening of the same day; provided, that where footways or sidewalks have not been paved or duly established, snow and ice shall be removed to a width of not less than four feet from that portion of the street or way which is used in common as a footway.

(2) When to Use, Ashes, Sand, etc. In case the snow or ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, lessee, occupant, person having charge or owner of every parcel of real estate shall within the time specified in the preceding subsection cause the sidewalk abutting or adjacent to such premises to be strewn and to be kept strewn with ashes, sand, sawdust or some other suitable material

and shall, as soon thereafter as the weather shall permit, thoroughly clean such sidewalk.

(3) Deposit of Snow or Ice on Streets Prohibited. It shall be unlawful for any person to deposit, or cause to be deposited, any snow or ice onto any street, alley, walkway, or other public place in the City of Manitowoc.

(a) Obstruction of Streets or Walkways. Any person depositing snow or ice from private property on any street, alley, walkway, or causing or ordering the same to be done shall be subject to a forfeiture of not less than \$ 50.00 nor more than \$200.00. The Director of Public Works shall be responsible for the creation and administration of policies and enforcement of same.

(4) Removal of Snow from Roofs, Guards. The lessee, occupant or person having charge, or, if there be no lessee, occupant or person having charge, then the owner of any building so located, abutting upon or near to any public street or place that snow or ice may fall from the roof thereof into or upon such street or place, or upon the sidewalk thereof, shall cause all snow and ice to be removed from such roof within the time specified in subsection (1) of this Section, after the same shall have ceased falling or forming, or provide suitable guards so that the ice or snow shall not be discharged upon the sidewalk.

(5) Duty of Police. It shall be the duty of each police officer in case the officer finds snow and ice have not been removed from sidewalks and roofs or in case of the neglect of the person charged with such duty by this Section to spread sand or other substances upon ice or snow when the same cannot be removed within the time required by this Section, immediately to proceed to enforce said Section.

(6) Duties of City Engineer. It is hereby made the duty of the City Engineer or person performing the duties of that office to cause each such sidewalk mentioned in subsection (1) to be cleaned of snow and ice or properly sanded or sprinkled with an equivalent thereto, in each case where the owner abutting the premises has refused or neglected to perform the duties in respect thereto rendered on him by subsection (1) of this ordinance and the prevailing cost of the same to be assessed against the owner.

7.22 Sidewalks to be Kept Safe. Every person owning any building in the City of Manitowoc having an area between the building and the sidewalk or extending into the sidewalk shall keep the same covered by a closed iron, or a closed iron and glass cover laid perfectly even with the surface of the sidewalk, or shall keep the same surrounded on all sides by a sufficient railing or barrier at least forty-two inches high, except in cases of stairways leading from the sidewalks to basements which shall have a sufficient railing or barrier at least forty-two inches high on three sides thereof.

7.23 Public to be Protected. Part Removal of Street or Sidewalk. Rules. Every person who shall take up or remove any portion of any sidewalk, or any portion of any street or alley within the City of Manitowoc, shall take all necessary precautions to guard against all accidents therefrom and shall be subject to such rules and regulations for the protection of travel as the Common Council shall order or adopt. All removals shall be by permit or by contract with the City of Manitowoc and shall require appropriate traffic control as defined by the Manual on Uniform Traffic Control Devices for Streets and Highways and as further directed by the conditions of the permit or contract governing such work.

7.24 Street Snow Removal and Costs Charged Against Abutting Property. Pursuant to Section 66.0627 of the Wisconsin Statutes, the partial costs of snow removal shall be assessed against business property as determined by resolution of the Common Council.

7.25 General Chapter Penalty. Where no specific penalty is provided in this Chapter, any person who violates any provision of this Chapter shall be punished by a forfeiture not to exceed Two hundred dollars.

7.26 Pedestrian Lanes. The cost of improvements and maintenance of pedestrian lanes in the City of Manitowoc shall be borne by the City of Manitowoc.

7.27 Excavation in Streets, Alley and Sidewalks.

(1) Permit to Excavate. It shall be unlawful for any person to, in any manner, excavate in or remove the surface, or any ground from any public street, alley, pedestrian way or sidewalk in the City without first obtaining a permit to do so from the City Engineer.

(2) Excavations by the City or any Department Thereof. Whenever the City or any department thereof is to make any excavation in any public street, alley, pedestrian way or sidewalk, a record shall be made of the same and filed in the office of the City Engineer in the same manner as an application and permit so made and granted, by other persons. Neither the City, nor any department thereof shall be required to make any deposit or pay any permit fee as provided for other persons.

(3) Manner of Excavation. Any and all excavation(s) made in any public street, alley, pedestrian way or sidewalk shall be made in strict conformance with the regulations of the City relating to such work.

(4) Excavations; How Made and Filled.

(a) Any excavation made in any public street, alley, pedestrian way or sidewalk, shall not be larger and shall not be left open longer than the necessities of the work demand. All such excavations shall at all times be properly guarded, day and night, in such manner as to sufficiently warn public travelers upon said street, alley, pedestrian way or sidewalk so that the same are reasonably safe as the nature of the work will permit. The person making such excavation shall be responsible for any damages which may result to any person, or to any property by reason of said excavating work, shall indemnify and hold harmless the City, and the City shall assume no responsibility therefrom by reason of granting such permit. All excavations shall be by permit or by contract with the City of Manitowoc and shall require appropriate traffic control as defined by the Manual on Uniform Traffic Control Devices for Streets and Highways and as further directed by the conditions of the permit or contract governing such work.

(b) Back-filling. All back-filling for excavation below pavement, macadam or other surfaced roadways, alleys, pedestrian ways or sidewalks, shall be completed with gravel or crushed stone, satisfactory to the City Engineer, well compacted, ready for temporary surface placement, resurfacing or paving. Slurry material may be used for backfilling to expedite the reopening of a roadway, only if approved by the City Engineer prior to placement. All earth, stone or other material excavated shall be hauled away by the person authorized to make such excavation upon any street, alley, pedestrian way, not open to public travel. The person making such excavation may refill with native soils, stone or other approved material, except rubbish, garbage or ashes, which was excavated from said location, providing the same mechanically compacted to 95% proctor density or is flushed with fresh water, so that the street is left in as good condition as it was in, immediately before such excavation was made. The permitted party shall place a temporary surface over the backfilled excavation or upon the City Engineer's instruction the Streets Department crews of the City shall place temporary pavement or otherwise replace the wearing surface of any street, alley, or pedestrian way where such excavation is made, as soon as possible after said excavation has been properly back-filled. The Street Department Superintendent shall keep an itemized statement of the actual cost of such resurfacing and bill the permit holder, which will become due within thirty days from the date of billing.

7.275 Assessments for Infrastructure Improvements.

(1) **The Cost.** The cost of installing, constructing or laying of any infrastructure improvements wholly or partially along or in any street, alley or highway, or in any lot or parcel of land, shall be assessed against the property benefited thereby as provided in Section 66.0701 of Wisconsin Statutes, and shall also include petitions granted by the Common Council for such work. In addition an inspection cost may be assessed as established by resolution.

(2) **Assessments by Board of Public Works.** The Board of Public Works shall, upon granting of a petition or adoption of a resolution by the Common Council, make the assessment for infrastructure improvements on a front foot or linear basis, except for corner lot allowances, if any, and shall set a date for a hearing to hear any objections to such assessments. The City Clerk shall publish a Class 3 notice in the official newspaper notifying the public of the date for said hearing and stating the Board report making the assessments is open for public inspection at the office of the City Clerk. After such hearing, the Board's report and recommendations, if any, shall be referred to the Common Council for final action.

7.276 Sewer Assessment Policy

(1) **Sanitary Sewers.** Sanitary Sewers, constructed by the City of Manitowoc shall be assessed against the abutting property on a front foot basis of the property served pursuant to section 66.0701 Wis. Stats. Assessment rates shall be based upon the total cost of the project with the following limitations:

(a) Frontage property owners shall not pay the additional cost of pipe for any size over 10".

(b) City shall pay the cost of casings for highway or railroad crossings or the additional lineal foot cost for boring that exceeds the ordinary cost of the remainder of the project.

(c) The first 150' of the second side of a lot served shall not be assessed.

(d) If the long side is serviced first, the short side frontage, not to exceed 150 feet, plus any frontage exceeding 150 feet on the long side, shall be used as the assessable amount. The minimum frontage to be used for assessing when the long side is serviced first shall be 50 feet.

(e) The City reserves the right to make adjustments in the rate or the installment payment period.

(f) The assessment rate shall not exceed \$22.00 per foot per side.

(g) No property owner shall connect to any sanitary sewer prior to being annexed to the City of Manitowoc.

(h) Reserved for future use.

(i) Reserved for future use.

(2) **Storm Sewer Connection Charge.** A connection charge will be assessed against any property for which a connection is made to a storm sewer, minisewer or catch basin. The charge shall be five hundred dollars (\$500) for each connection.

This connection charge shall not be applicable in the following situations:

(a) Where an owner of the property has previously paid for an existing storm sewer lateral to the property from the street.

(b) Where the property owner, after obtaining the proper permits, installs a storm water lateral under the traveled portion of an adjoining roadway at the owners expense.

(c) Where a connection is made to an existing catch basin and where storm laterals or other storm water facilities are not available or schedule to be made available during the year of the connection.

The Department of Building Inspection shall be responsible for properly notifying the City Clerk when any connection hereunder is made.

(d) Where a connection is made to an approved natural or manmade watercourse.

(e) Where a property owner has previously paid or will pay in the year of connection, an assessment or charge to the City of Manitowoc for storm sewer main.

(3) Storm Sewers Constructed By The City Of Manitowoc.
Pursuant to section 66.0701 Wis. Stats. the cost for storm sewers shall be assessed to the abutting property owners on a front foot basis. The rates shall be determined upon the total project cost with the following limitations:

(a) Fronting property owners shall not pay for the additional cost of a pipe over 24".

(b) Section 7.276 (1)(c) and (d) shall apply.

(c) No property shall be connected to the City of Manitowoc's storm sewer system prior to annexation, except for connections to ditches, unless authorized by the City Engineer.

This subsection (3)(a)(b) and (c) shall first apply starting on January 1, 2003.

(d) Where a storm sewer has previously been constructed and a property subsequently annexes to the City of Manitowoc, a rate of \$24.00 per front foot basis shall be charged against the owner of any parcel of property at the time of annexation. If a storm sewer lateral has previously been placed, an additional charge of \$500 per lateral shall be collected at the time of annexation. The above charges only apply where the owner has not made any direct contribution to the cost of the installation of the storm sewer or lateral at the time of construction. Section 7.276(2)(a) and (e) shall apply to property owners who have paid a charge under this subsection.

Subsection (d) above shall take effect on October 26, 2004.

7.28 Street Assessment Policy.

(1) General Provisions.

(a) Pursuant to section 66.0701 Wis. Stats. all special assessments for street improvements shall be levied against abutting private property on a front foot basis. All assessment rates shall be based upon the total cost of the project per foot with the following limitations:

1. The City shall pay 100% of the cost of the intersections.

2. All assessments for frontage zoned exclusively for agricultural, single family residential or two family residential, or any combination of the above, with a use conforming to such zoning, or frontage from developed property used exclusively for agricultural, single family residential or two family residential purposes, or any combination of the above, whether zoned agricultural or residential or neither, shall be based upon and have the following reductions:

a. A maximum 37 foot width between the backs of the curbs.

b. A maximum of 120% of the previous years rate for a similar street.

c. A corner lot reduction for the long side shall be computed as follows: Two-thirds the frontage on the long side but not to exceed 100 feet.

(1) Corner lot reductions apply to a lot with more than one fronting side adjacent to an alley, street or both.

- (2) A lot adjacent to a curved street does not qualify for a corner lot reduction unless it abuts another street or alley.
- d. A maximum depth for concrete pavement of 7".
- e. An additional 5% reduction for concrete pavements on arterial streets.
- f. If a lot abuts a street or alley on both the front yard and the back yard, the second side paved shall receive a 66-2/3% reduction on the footage assessed not to exceed 100 feet.
- g. The fully assessed short side shall not be an alley.
- h. A 15% reduction for those streets, established by ordinance, as being on Truck Routes.
- i. On paved streets which are less than 37 feet in width between the backs of the curbs, the City's participation shall decrease at the rate of 1% per foot of width less than 37 feet.
- j. A 5% reduction for those streets on the Maritime Metro Transit Route at the time of construction. This reduction shall not be applicable to streets that receive a reduction for either arterial or Truck Routes.

3. If financial aid for the improvement of a street is received from any other governmental unit, that aid shall be applied first to the City's share of the cost of the street. Any aid in excess of the City's share will be used to reduce the property owner's assessment.

(b) Curb and Gutter.

1. Full cost of the curb and gutter shall be assessed to the property and an inspection fee may be assessed.

(2) Pavement Life. The life expectancies of high-type pavements are determined to be as follows:

- 1. Concrete.....40 years
- 2. Hot Mix Asphalt.....20 years
- 3. Hot Mix Asphalt Resurfacing.....10 years

In subdivisions or annexed areas accepted by the City after the date of this ordinance or any newly opened street, high-type pavements shall be installed within three (3) years.

(3) New Construction. Assessments shall be made as follows:

	Concrete	Hot Mix Asphalt
City Share.....	20%	10%
Property Share.....	80%	90%

(4) Reconstruction.

(a) After Life Expectancy

Assessments shall be made the same as new construction. The foregoing assessment subsection will expire on December 31, 2002. Commencing on January 1, 2003 assessments shall be made as follows:

	Concrete	Hot Mix Asphalt
City Share.....	40%	10%
Property Share.....	60%	90%

(b) Prior to Life Expectancy.

Assessments to the abutting properties shall be on a pro-rated basis from 0% at one-half life expectancy to 100% of new construction assessment at full life expectancy.

(c) Arterial and Collector Streets. When concrete pavement on classified arterial or collector streets is reconstructed with new concrete pavement, but no financial aid is received from another governmental unit to reduce the cost of the project, the assessment shall be calculated under methods which reflect city

experience for similar projects which have been assigned with aid from other governmental sources.

(5) Resurfacing.

(a) After life expectancy, the assessment shall be made to the abutting property based on 100% of the project cost.

(b) Prior to life expectancy the assessment shall be made on a pro-rated basis of life expectancy to 100% at full life expectancy.

(c) All General Provisions listed in subsection (a) are applicable to this resurfacing subsection.

7.285 Installment Payment of Special Assessments. All special assessments for paving, grading and graveling, sanitary sewer, mini-storm sewer hookup charges, sewer and water laterals, curb and gutter, and sidewalks which exceed \$250.00 may be paid in accordance with the following applicable installment payment plan.

(1) **Five Year Installment Plan.** All such assessments may be paid by the property owner in five annual equal installments. Interest shall accrue on the unpaid balance at the rate of 7% per year. Interest shall begin to accrue at this rate on the first day of the month following the original special assessment date. Any assessment of any kind not paid in full before November 1 shall accrue interest at the rate of 7% per annum beginning November 1.

(2) **Ten Year Installment Plan.** The Board of Public Works is hereby empowered to grant a ten year installment plan in lieu of the five year plan upon written application therefore from any property owner who occupies as a resident the property against which the assessment has been made. The Common Council may at any time by resolution increase the interest rate for ten year installment payment plans which commence after the effective date of such resolution.

(3) **Corner Lot Payment Plan.** Where special assessments are levied simultaneously against both sides of a corner lot, or where special assessments are levied against one side of a corner lot at a time when special assessment against one side of the corner lot are being paid pursuant to (1) above, and where the total assessments against both sides of the lot for any type of public improvement (e.g. street paving) total \$1,000.00 or more, the owner who occupies the corner lot as a resident may, upon written request made prior to October 15 of the year the assessments against the second side are levied, pay the assessments as provided for in this subsection. Upon the filing of such request, collection of such assessments which are levied against the second side of the corner lot shall be delayed and no interest on such assessments shall accrue during the five year period in which the assessment on the first side are being paid. Where such special assessments against a corner lot, the side with the greater amount of assessments shall be treated as the side against which special assessments were levied. In the year the assessment against the first side are paid or due, whichever first occurs, the property owner shall have the option of paying the assessments against the second side in one lump sum prior to October 15 of that year or pursuant to the five year payment plan (1) above, in which case interest shall begin to accrue on November 1 of that year as provided for therein.

7.29 Delayed Assessment Policy.

(1) **When Granted.** Is hereby declared to be the policy of the City of Manitowoc that the Common Council may, in its discretion, delay the payment of special assessments made against a property owner where there is no immediate benefit to the property owner from the improvement and where failure to delay the assessment would impose an undue hardship on the property owner. It is the further policy of the City of Manitowoc to create a uniform policy for granting and administering delayed assessments.

In order to qualify under this Section, the assessed property must be unimproved and unplatted throughout the period of delay, the owner must make no use of the improvements for which the assessment is made during the period of delay, and the owner must not sell any part of the property assessed during the period of delay.

No delayed assessment may be granted unless the total assessment costs exceeds the sum of One Thousand (\$1,000.00) Dollars and unless the person requesting the delayed assessment shall have made the request in writing.

(2) Terms.

(a) Length of Delay. Special assessments may be initially delayed for a period of up to ten years from the initial assessment due date. This ten year period shall be extended for an additional period of up to ten years upon application by the property owner provided none of the events in (3) triggering expiration have occurred and provided the total amount of the assessment delayed exceeds \$7,500.00. In no event shall the total period of delay hereunder exceed 20 years. Any special assessments shall be a lien against the property as of the date of the levy.

Any applicant for a delayed assessment must sign a form to be prepared by the City Attorney waiving any objection to the improvements made, the assessment or to the terms of the delayed assessment granted. Acceptance of the delay by the owner also expressly implies a waiver of their rights to object to the assessment at a later date. All assessments for which a delay is granted shall become due and payable upon expiration of the delay as provided for in (3), provided, however, that the property owner may elect to pay for the assessment charge over a five year period commencing on the delayed assessment expiration date with interest computed at the prevailing interest rate chargeable to all special assessments at the time such installment payments are made.

(b) Amount Delayed. No delay may be granted for the first Two Thousand Five Hundred (\$2,500.00) Dollars attributable to street improvements or for the first One Hundred (100) feet of sewer improvements, except that the Common Council may waive this restriction for any land zoned P-1 or R-1.

(c) Interest. Effective January 1, 1982, no interest shall be charged against assessments delayed under this section. In the case of delayed assessments granted prior to January 1, 1982, no additional interest shall be charged to the outstanding balances of accumulated principal and interest as they existed on December 31, 1981.

(3) Expiration. Any delay which is granted shall expire on the first to occur of the following events:

(a) The expiration date granted by the Common Council;

(b) Sale of the property for which the delayed assessment was granted;

(c) The platting or placing of any improvement on the property for which the delayed assessment was granted; or

(d) The use of the improvements for which the assessment was made by the property owner.

The Common Council may, in its discretion, limit the expiration of the delay to only part of a parcel for which a delayed assessment has been granted if the expiration is caused by one of the events described in subparagraph (b), (c) or (d) and such event as deemed not to affect the entire parcel.

7.30 Furnishing of City Services Outside of the Corporate Boundaries of City. The Common Council shall not grant the furnishing of any services outside of the corporate limits of the City of Manitowoc unless same shall be approved by a two-thirds vote of the Common Council.

7.31 Petition for Infrastructure Improvements.

(1) The Common Council may order infrastructure improvements upon presentation of a petition signed by the abutting property owners representing over fifty percent of the foot frontage. In every case where such petition requesting a high type pavement has been filed any and all abutting property owned by the City of Manitowoc is to be included in and computed with the land represented by the petition presented by the property owners requesting said improvements.

(2) The Common Council may on its own initiative, and in the situation when it is deemed expedient and to the best interest of the City of Manitowoc, order infrastructure improvements anywhere within the city limits.

7.32 Seal Coating.

Seal coating of streets will be assessed at the rate of \$1.50 per foot per side. When shoulders only are sealed, the assessment rate will be 30¢ per foot side.

7.33 Assessments for Asphalt Overlays on Macadam Base Streets.

(1) Asphalt overlays applied to existing street with macadam base shall be assessed at full project cost. This shall be considered a temporary assessment as are other surface treatments.

(2) **Corner Lot Reduction Computation.** There shall be a corner lot reduction computed pursuant to Section 7.28 (1)(a)2.c. of the Manitowoc Municipal Code.

7.34 Refusal of Bids.

Any corporation, firm or individual violating Section 133.01 of the Wisconsin Statutes (1973) or any subsequent amendment thereof shall upon conviction thereof be thereby disqualified as a bidder on any City of Manitowoc project for a period of three years from the date of such conviction, however, nothing therein shall be interpreted to preclude such corporation, firm or individual from completing any and all contracts said firm, corporation or individual may already have entered into with the City at the time of such conviction nor shall this Ordinance be applied retroactively to convictions occurring prior to the adoption and publication of this Ordinance. Any bids submitted by a firm, corporation or individual on any Public Works project in the City of Manitowoc in violation of this Ordinance shall be automatically rejected. The prohibition applies with like force to officers of convicted corporations, firms or individuals who thereafter have business interests in new corporations or business enterprises of whatever kind or description."

7.35 Air Rights Lease.

(a) **Authorization.** Pursuant to the authority granted in Wisconsin Statutes §66.0915 (3) the Common Council of the City of Manitowoc hereby authorizes the City to enter into an Air Rights Lease with Holy Family Memorial, Inc.

(b) **Purpose.** The purpose of the Air Rights Lease is to connect the Holy Family Memorial building located on the west side of South 21st Street between Wollmer Street and Clay Pit Road with a proposed stair/elevator building to be located on the east side of South 21st Street with a pedestrian overpass (walkway/skywalk) across South 21st Street for facilitating pedestrian traffic between the properties.

(c) **Public Interest.** The granting of the Air Rights Lease is in the public interest to serve the pedestrian traffic.

(d) Term. Said Air Rights Lease shall be granted for a period of 99 years.

(e) Rent. Rent shall be paid annually on or before the anniversary date, as defined under the lease agreement. The rent rate shall be recalculated every ten (10) years to determine and establish the rent rate per year for the succeeding ten (10) year term.

(f) Premises. The walkway/skywalk improvements shall be privately owned by Holy Family Memorial, Inc. and shall not be available for general public use.

(g) Signage. Any signs which Holy Family Memorial, Inc. desires to place on or in the walkway/skywalk, or any appurtenant buildings and structures shall be subject to the local, state and federal laws and shall require prior written approval of the City of Manitowoc.

(h) Maintenance. Holy Family Memorial, Inc. shall be responsible for maintaining and repairing the walkway/skywalk and all appurtenant buildings, structures, fixtures and systems and shall keep, within a reasonable time period, the walkway/skywalk and the right-of-way below clear of snow, ice and debris at all times.

(i) Insurance. Holy Family Memorial, Inc. shall procure and maintain in force throughout the Lease term Commercial General Liability insurance, insuring both Holy Family Memorial, Inc. and the City of Manitowoc with a combined single limit of liability of not less than One Million Dollars (\$1,000,000) per occurrence. If liability coverage is subject to an annual aggregate limit then the amount must be not less than Two Million Dollars (\$2,000,000). Further, Holy Family Memorial, Inc. shall obtain extended coverage or "Special Form Causes of Loss" casualty insurance for not less than full replacement cost of the walkway/skywalk and all appurtenant buildings, structures and improvements. The City shall be named as an additional insured on the policy, and Holy Family Memorial, Inc. shall give the City at least 30 days written notice of any cancellation, termination or changes in the policy.

(j) Recording. The Air Rights Lease agreement shall be recorded in the Register of Deeds Office in the County of Manitowoc, Wisconsin and all its terms shall be herein incorporated by reference.