

ORDINANCE NO.: 5045

AN ORDINANCE to amend Sec. 40-1 through 40-4 and Sec. 2-2 and 2-3, repeal and recreate Sec. 40-3, repeal Sec. 40-4(a)(2), 40-4(b)(6)&(14), and 40-4(c)&(d), and renumber Sec. 40-4(b)(7) through (15) of the Code of Ordinances of the City of La Crosse relating to sidewalk, driveways and their respective standards and permits.

THE COMMON COUNCIL of the City of La Crosse does ordain as follows:

SECTION I: Section 40-1 (b) is hereby amended as follows:

- (b) The following persons are hereby authorized to enforce the provisions of this chapter and may issue citations as provided for in Wis. Stat. § 800.02(2) for violations of this chapter:
- (1) The Chief of Police.
 - ~~(2) The Director of Public Works.~~
 - ~~(3)~~(2) The Fire Chief.
 - ~~(4)~~(3) The City Engineer.
 - ~~(5)~~(4) Such other City officers or City employees who are assigned enforcement responsibilities for this chapter.

SECTION II: Sections 40-2 (a) and (d) are hereby amended as follows:

- (a) Base of grades and elevations. All grades and elevations fixed and established, and all grades and elevations that shall or may be hereafter established, are and shall be described in feet and decimals of a foot above the zero elevation City datum plane which is ~~600.99~~ 600.93 feet above Mean Sea Level as established by the United States Government Surveys, 1929 NAVD 1988 adjustment. ~~or 601.48 feet above Mean Sea Level as established by United States Government Surveys, 1912 adjustment.~~
- (d) Grades of sidewalks. The grade or elevation of the top of the inner line of sidewalks, except ~~when otherwise specifically provided by resolution of the Council as directed by the City Engineer,~~ shall be above the grade of the adjoining street in an amount equal to a minimum of one-quarter inch per foot of width and a maximum of one inch per foot of width from the inner edge of the sidewalk to the top of curb of the street. ~~The grade or elevation of the top of the inner line of the sidewalk between any two fixed grade points shall be upon straight lines, or on vertical curves if necessary to conform to the curb lines, from one fixed point to the nearest fixed point, excepting in cases otherwise specially provided for by resolution or approved plans.~~

SECTION III: Section 40-3 is hereby repealed and recreated to read as follows:

Sec. 40-3 – Sidewalk construction.

- (a) Permit required.
- (1) No person shall remove, repair, construct, or reconstruct any sidewalk without having obtained an excavation permit therefor from the City Engineer's Office and having paid the permit fee established by resolution. The permit may be issued upon a completed

application form provided by the City and shall contain such information as the City Engineer's Office shall deem necessary.

- (2) After an excavation permit has been issued, the applicant shall obtain survey and grade stakes from the City Engineer. After sidewalk forms are set an inspection shall be called for checking compliance to the City Engineers' grade and specifications.

(b) Specifications.

- (1) All sidewalks shall be six feet in width unless otherwise specified by the Board of Public Works.
- (2) All sidewalks shall be constructed per specifications on file in the City Engineer's office.

(c) Sidewalk priorities and waiver of assessment for new sidewalk.

- (1) The Board of Public Works, with recommendation from the Bicycle-Pedestrian Committee, shall establish priorities for sidewalk in-fill and installation, in accordance with Section 40-14 (b) Green Complete Streets.

(d) Special assessments for replacement of damaged sidewalks.

- (1) Special assessments for damaged sidewalk as a result of private construction or development shall be placed when such work is ordered by the Board of Public Works. The City shall execute such work with City crews or its Contractor.
- (2) The City shall levy a special assessment against the abutting property owner for 100 percent of the cost of such ordered sidewalk replacement fronting said property.

SECTION IV: The introductory paragraph of Section 40-4 (a)(1) is hereby amended to read as follows:

(a) Widths and permits ~~fees~~.

- (1) An excavation permit shall be required for driveway installation, reconstruction, or removal. Unless otherwise specifically permitted by ~~resolution of the Council~~ Board of Public Works or its designee, upon written application giving the reason therefor, the standard and maximum widths of driveways at the sidewalk and curb, and other requirements for such installations, ~~and fees for permits~~, shall be as follows:

SECTION V: Section 40-4 (a)(2) is hereby repealed.

SECTION VI: Section 40-4 (b)(1) is hereby amended to read as follows:

- (1) No driveway shall be closer than ~~ten feet measured from a point intersecting extended ROW lines and then 90 degrees from the extended right-of-way line to the curb line and at no time closer than~~ ten feet to either extended right-of-way line.

SECTION VII: Sections 40-4 (b)(6) and (14) are hereby repealed.

SECTION VIII: Section 40-4 (b)(13) is hereby amended to read as follows:

- (13) Application for ~~blind driveways, wherein the only purpose is to restrict street parking,~~ shall be denied, if not in accordance with parking and zoning ordinances.

SECTION IX: Sections 40-4 (b) (7) through (15) are hereby renumbered 40-4 (b)(6) through (13).

SECTION X: Sections 40-4 (c) and (d) are hereby repealed.

SECTION XI: Section 2-2 (b) (1) is hereby amended as follows:

- (1) Street and sidewalk excavations and opening (§ 40-33). Persons issued permits for street and sidewalk excavations and opening, including driveways, shall carry comprehensive general liability insurance and completed operations insurance, which insurance shall include all work provided for by the permit whether such work be by the permittee or by any subcontractor or by anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable, with a minimum combined single limit of \$500,000.00 for bodily injury and property damage per occurrence. The insurance required shall be written by insurance companies who are rated "B" or better in Best's Key Rating Guide and shall be licensed to do business in the State of Wisconsin. Certificates of insurance naming the City of La Crosse as additional insured shall be filed with the Engineering Department before any permit shall be issued and shall also provide for 30 days' notice prior to expiration, cancellation or material change to be sent to the Engineering Department.

SECTION XII: Section 2-3 (2) is hereby amended as follows:

- (2) Street and sidewalk excavations and opening (§ 40-33) . Before a permit for excavating or opening any street, sidewalk, driveway, or public way may be issued, the applicant must execute and deposit with the City Engineer's office an Indemnity Bond approved by the Director of Finance/Treasurer in the sum of \$10,000.00 conditioned that the applicant will fill up and place in good and safe condition all excavations and openings made in the street, and will replace and restore the pavement over any openings the applicant may make as near as can be to the state and condition in which the applicant found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Director of Public Works for a period of three years. Such bond shall also guarantee that if the City shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for three years. Such bond shall be further conditioned that the applicant will observe the provisions of all State laws, ordinances, rules and regulations governing the issuance of permits under this section. Such bonds may be filed individually for each excavation, or an annual bond may be given covering all excavation work done by the principal for one year beginning January 1.

SECTION XIII: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION XIV: This ordinance shall take effect and be in force from and after its passage and publication.

_____/s/_____
Timothy Kabat, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 3/8/18
Approved: 3/13/18
Published: 3/17/18