

**CITY OF MUSKEGO
CHAPTER 8 - STREETS AND SIDEWALKS**

8.01 STREET WIDTHS..... 1

**8.02 DRIVEWAY AND CULVERT CONSTRUCTION FOR AREAS CONTAINING DITCHES.
(Ord. #757 - 07/02/92)..... 1**

**8.025 DRIVEWAY CONSTRUCTION TO STREETS AND ALLEYS CONTAINING CURB AND
GUTTER (Deleted - Ord. #1262 – 09/06/2007)..... 3**

8.03 UNIFORM ADDRESS SYSTEM 3

8.04 STREET EXCAVATIONS (Cr. #147) 6

8.05 RENAMING STREETS (Ord. #979 -02/18/99)..... 8

8.06 PENALTY 8

CITY OF MUSKEGO
CHAPTER 8 - STREETS AND SIDEWALKS

8.01 STREET WIDTHS

- (1) Year 2010 City of Muskego Arterial Street and Highway System Plan Adopted. The Year 2010 City of Muskego Arterial Street and Highway System Plan dated September, 1993 and revised October, 1993, August 5, 1994, April 5, 1995, June 8, 1995, February 11, 1997, January 27, 1998, March 26, 2002, and June 24, 2003 on file in the Office of the City Clerk, is hereby adopted by reference and made a part of this section. The Street and Highway System Plan may be revised from time to time, without an ordinance or resolution, to include technical corrections and/or the addition of new subdivision streets as determined by the City Engineers and the Plan Department. (Ord. #1141 - 07/03/2003)
- (2) Building Permits. No building or occupancy permits shall be granted for a structure within a street or highway as established by said map except for a structure already in existence at such location on the date of approval of the ordinance adopting said map or on the date of approval of amendment thereto, nor shall any plat be approved which does not provide for the street or highway width therein established.
- (3) Acquisition of Highways. The unacquired highway widths shown on such map need not immediately be acquired for highway purposes, but may be acquired at any time, either in whole or in part, by the county or by the municipality in which it is located provided, no part shall be acquired in less than the full extent, in width, of the excess width to be made up of land on the same side of such highway, nor for less than the full distance, in length, of such excess width lying within the limits of contiguous land owned by the same owner, unless the owner and the public authorities purchasing the land shall agree to a lesser width or length, or such acquisition for the full width and length shall require the purchase or removal of buildings or incur unreasonable costs for other reasons, in which case the public authorities may acquire a lesser width or length and provided, further, any land so acquired, whether the excess width is acquired for the full length of the highway or not, shall at once become available for public highway purposes.

8.02 DRIVEWAY AND CULVERT CONSTRUCTION FOR AREAS CONTAINING DITCHES.
(Ord. #757 - 07/02/92)

- (1) No driveways shall be constructed or maintained connecting with any semi-improved streets or alley unless a suitable culvert is first installed across the ditch of the semi-improved street or alley where necessary for the public welfare.
- (2) Culvert shall be constructed of corrugated steel pipe. The culvert shall have a diameter of not less than 15 inches unless otherwise approved in writing by the Public Works Superintendent. The length of the culvert shall be no less than 20 feet nor more than 35 feet. All culverts with a diameter up to and including 24" shall be of 16 gauge steel. All concrete culverts shall have approval of Public Works prior to installation. All culverts shall be equipped with end walls approved by the Public Works Superintendent.
- (3) Fee
 - (a) Prior to the issuance of a building permit, the property owner of record shall deposit with the City Treasurer a fee equal to the estimated cost of the culvert installation. In addition to the specified fee for culvert installation (as determined by the Public Works Superintendent), the property owner of record shall deposit with the City Treasurer a

cash deposit (which shall be as from time to time established by resolution of the Common Council) to insure proper care, maintenance, and landscaping of the roadside ditch. The ditch deposit shall be specifically applicable to the property for which the building permit or culvert installation application has been made.

- (b) An administration and inspection fee (which shall be as from time to time established by resolution of the Common Council) will also be required in addition to the deposit. This fee will not be refundable.
- (c) Restoration of the ditch area shall be completed within 15 months from the date of the deposit with the City.
 - 1. Prior to the 15-month deadline, the property owner may, after restoring the ditch area, call the Public Works Superintendent to schedule an inspection of the affected area. Upon a determination by the Public Works Superintendent that the work is completed and that the ditch has been properly restored, the Public Works Superintendent shall send written notice to the property owner of record indicating that they have 30 days to claim the deposit, and in the event that said deposit is not claimed within the 30 day period, the deposit shall be forfeited to the City.
 - 2. After the 15-month deadline has passed, if the City has not been contacted by the property owner of record to request an inspection, the City will schedule, at its convenience, an inspection of the site. Upon a determination by the Public Works Superintendent that the work is completed, and that the ditch has been restored properly, the Public Works Superintendent shall send written notice to the property owner of record indicating that they have 30 days to claim the deposit. In the event that said deposit is not claimed within the 30 day period, the deposit shall be forfeited to the City.
 - 3. Failure to restore the ditch within the 15-month period will result in the Public Works Department sending written notification to the property owner of record establishing a date for the restoration to be completed by, as determined by the Public Works Superintendent. Failure to comply by this date will result in the City ordering the work completed by the Public Works Department. The Public Works Superintendent shall keep a detailed accounting of the costs and expenses of performing this work in the event that the charges exceed the deposited amount, the balance due shall be entered on the tax roll as a special tax against the property and collected with any other taxes levied thereon for the year in which the work is completed pursuant to Wisconsin Statutes Section 66.60(16). After said charges have been applied to the deposit, if there is any remaining balance, the Public Works Superintendent shall send written notice to the property owner of record indicating that they have 30 days to claim the remaining balance. In the event that said remaining balance is not claimed within the 30day period, the remaining balance shall be forfeited to the City.
- (d) If the culvert application is for a second driveway after the first driveway and normal landscaping have been completed and approved, then at the discretion of the Public Works Superintendent the financial guarantee requirements may be waived.

(4) Culverts-Existing Driveways.

- (a) Where the public welfare requires a suitable culvert for an existing driveway, the Public Works Superintendent shall notify, in writing, the property owner maintaining the driveway across any ditch in any street or alley that such installation shall be completed in 10 days or the City will have a culvert installed by the Public Works Department at the expense of the abutting property owner. The property owner may appeal the order of the Public Works Superintendent within these 10 days, otherwise such orders shall become conclusive.
 - 1. If such installation is not completed or an appeal filed within this 10-day period, the City may enter upon the land to install the culvert and cause to be performed the work required to restore the site.
- (b) The Public Works Superintendent shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special tax against the property and collected with any other taxes levied thereon for the year in which the work is completed pursuant to Wisconsin Statutes Section 66.60(16).

8.025 DRIVEWAY CONSTRUCTION TO STREETS AND ALLEYS CONTAINING CURB AND GUTTER (Deleted - Ord. #1262 – 09/06/2007)

8.03 UNIFORM ADDRESS SYSTEM

- (1) The uniform address system of the City of Muskego shall be based upon and become a part of a uniform address system for Waukesha County. All provisions herein relating to the establishment of a uniform address system for said County are hereby approved.
- (2) There is hereby established a uniform system of numbering properties fronting on all streets, highways and rights of way in the City of Muskego, and all existing residences and places of business which are hereafter constructed shall be numbered in accordance with the provisions of this section.
- (3)
 - (a) Base lines shall be used for determining the numbering in the City of Muskego. The east-west base line shall be used for numbering along all streets running north and south. This base line shall be a continuation of the east-west base line used in Milwaukee County and shall be the north or top lines of Sections 31 to 36, both inclusive, in the Town of Brookfield, Pewaukee, Delafield and Summit, Waukesha County, Wisconsin. Its numerical designation shall be "1". A north-south base line shall be used for numbering along all streets running in a westerly direction. This base line shall be the eastern boundary of Waukesha County, and its numerical designation shall be "124".
 - (b) Each property south of the east-west base line and facing a street running a north-south direction shall carry an address indicating its position west of the north-south base line and its position south of the east-west base line.
 - (c) Each property west of the north-south base line and facing a street running in a westerly direction shall carry an address indicating its position south of the east-west base line and its position west of the north-south base line.

- (d) Properties on a diagonal or curvilinear streets, which streets run predominantly in a northerly and southerly direction, shall be numbered the same as or similar to properties on a northerly or southerly streets. Properties on diagonal or curvilinear streets, which streets run predominantly in an easterly and westerly direction, shall be numbered the same as or similar to properties on easterly or westerly streets. Properties on streets terminating in a cul-de-sac shall be numbered in accordance with the predominating direction of said street without regard to changes of direction.
 - (e) Where the general direction of a diagonal or curvilinear street has a deviation of exactly 45 degrees, the direction of the street shall be considered as being northerly or southerly.
- (4) A system of invisible rectangular blocks shall be established as a control grid in the following manner in conformity with the recommended uniform county address system:
- (a) The established section lines shall form a basis for the block system and in a westerly direction from the eastern boundary of the county the first 6 sections, extending through the City of Muskego, shall be divided into 16 blocks each. These individual and invisible block lines shall have numerical designations starting with "124," at the east line of the county, to "220," at the western City boundary line.
 - (b) In a northerly direction from the south county line to the north boundary of the City of Muskego each section shall be divided into 8 blocks. These invisible block lines shall have numerical designations starting with "63" on the northern boundary of the City of Muskego, to "111" at the south county line.
- (5)
- (a) One hundred numbers shall be assigned to each invisible block regardless of discrepancies in block sizes. Properties on the north and east sides of streets shall bear even numbers and properties on the south and west sides of streets shall bear odd numbers.
 - (b) The number assigned to each property shall be composed of 2 parts. The first part, or street designation, shall be composed of a direction letter, "S" or "W" followed by the number of the appropriate block line.
 - (c) The second part of the property number, the block and house designation, shall be composed of a directional letter followed by the number of the appropriate block line plus 2 additional digits indicating the relative position of the property in the block.
 - (d) For a block, which lies north of the east-west base line, the designation of the block shall be by the block line numbers of its south and its east boundary.
 - (e) Properties and street intersections contained within any block shall bear numbers and directional letters related to the point of intersection of the block boundary lines stipulated in the paragraph above.
- (6) The point from which any property shall be assigned its proper number shall be determined as follows:
- (a) Where land has been subdivided or platted into lots the center point of the frontage line of each parcel shall be the point of determination.
 - (b) In cases of farm residences or other residences or business places situated on larger acreage or away from other development, the point of determination shall be the

intersection of the center line of the principal driveway with the street or highway right of way line.

- (c) The proper number shall be determined and assigned by the Building Inspector.
- (7)
- (a) Streets which are extensions of streets in Milwaukee County shall bear the name by which they are known in that county, excepting that directional prefixes if any, shall be dropped. No directional prefix shall be used on any local street.
 - (b) All numerical street names shall be abandoned and other names substituted.
 - (c) A list shall be compiled by the Building Inspector of all existing street names in the City of Muskego and no future street shall be given a name which duplicates or approximates an existing name. Cooperation shall be sought with all towns and municipalities in the county to the end that duplication of street names shall be minimized.
 - (d) The City of Muskego shall cooperate with neighboring towns, villages, and cities to the end that streets, which are continuous from one municipality or town to another municipality or town, may have but one name when such single name would be desirable.
 - (e) The Council may accept or reject proposed names of new streets and where there is clearly a conflict or duplication in existing names, may direct the changing of one or more such names so that conflict or duplication may be minimized.
- (8)
- (a) For the purpose of facilitating the establishment and continuing workability of a uniform address system in the City, there shall be prepared and kept on file in the office of the Building Inspector a plat book showing the proper addresses of all residences and places of business within the City. The Building Inspector shall inform any person applying therefore, of the number or numbers and approved street names belonging to any lot or property. In case of doubt as to the proper address belonging to any lot or property, the Plan Commission shall make the final determination.
 - (b) Within 30 days after the final approval of any new subdivision or other division of land, the Building Inspector shall assign addresses to each new building site. Record shall be kept of assignments and a copy shall be provided for the developer at his request.
- (9)
- (a) When the Building Inspector has assigned a number to each residence and place of business, the owner, occupant or agent shall install or cause to be installed in a conspicuous place upon the premises occupied by each house or place of business occupied or controlled by him, the number or numbers assigned under the uniform address system provided for by this section.
 - (b) Numbers shall be installed within 30 days from the date of assignment or from the date of initial occupancy.
 - (c) Numbers shall be supplied by the Building Inspector and the Owner shall pay a fee as from time to time determined by resolution of the Common Council, and listed in Table #1. (Ord. #838 - 04-21-94)
- (10) Whenever any residence or place of business shall be erected in the City after the work of establishing a uniform address system has been completed, the owner at the time of obtaining a building permit shall procure the correct number and street names from the

Building Inspector and within 30 days thereafter shall install the number on the building or premises as provided in sub. (9) above.

- (11) If the owner or occupant of any residence or place of business shall neglect for a period of 30 days after written notification by Building Inspector of the assignment of a number, to duly attach and maintain the proper number on such premises, the Building Inspector shall serve on him a notice requiring such owner or occupant to properly number the premises. If the owner or occupant neglects to do so after service of such notice and a period of 10 days elapses, he shall be deemed to have violated this section.
- (12) (Ord. #430 - 09/28/82) Address numbers pursuant to the uniform address system shall be located not more than 50 feet from the front lot line and shall be clearly visible from the street or road in front of each lot. This ordinance is effective immediately as to new residence and business and 30 days after passage as to existing residences and businesses.

8.04 STREET EXCAVATIONS (Cr. #147)

- (1) Permits Required for Excavations. No person shall make, or cause to be made any excavation in or under any street, alley or sidewalk in the City without first obtaining from the City Engineer a written permit to do so as hereinafter provided.
- (2) Application for Permit. (Ord. #517 - 02/26/85 and Ord. #600 - 03/17/88) Such permit shall be issued only upon a written application signed by the applicant accompanied by a permit fee of \$40.00, and shall describe the place where such excavation is proposed to be made with such certainty that the same may at all times be readily located and shall specify the purpose for which said excavation is to be made, and when it is proposed to begin making the same. In case such excavation is to be made by the City, or any department thereof, then such application shall be signed by the Superintendent of the Department whose directions the work is to be done.
- (3) Bond. Before a permit is granted, a bond shall be filed by the applicant for such permit with the City Clerk in the amount of \$2,000.00, which bond shall be executed by a licensed surety company as a guarantee that the applicant for such permit will comply with all City ordinances relating to such permit and will maintain and restore the street, alley, sidewalk, or public grounds as required by the Municipal Code and will maintain the same for a period of one year. In the event the City Engineer determines that the nature and extent of the excavation or opening requires a bond in excess of \$2,000.00 to guarantee restoration of the excavated area as required by the Municipal Code, the bond shall be established in an amount so determined by the City Engineer. Contractors who average 4 permits in a one month period shall, in lieu of the \$2,000.00 bond herein provided, file a \$5,000.00 bond conditioned as above which shall cover a 12 month period.
- (4) Insurance. Prior to commencement of excavation work the permittee shall furnish the City Clerk satisfactory written evidence that he has in force and will maintain during the life of the permit and the period of excavating, public liability insurance of not less than \$100,000.00 for injury to one person, \$300,000.00 for one accident, and property damage insurance of not less than \$50,000.00
- (5) Record of Permits. A record of all permits issued under the provisions of this section by the City Engineer shall be kept in his office. The record shall state the name of each applicant and the facts as to the location, purpose of excavation, and time when the work is to begin and when work is to be completed. The record shall be open to public inspection.
- (6) Protection of Public. Every person shall enclose with sufficient barriers each opening which he may make in the streets or public way of the City. All machinery and equipment shall be

locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees.

Amber lights or torch lamps shall be kept burning from sunset to sunrise, one amber torch lamp to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning.

Except by special permission for the City Engineer, no trench shall be excavated more than 250 feet in advance of pipe laying not left unfilled more than 500 feet where pipe has been laid. All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the City in defending any action brought against it for damages as well as cost of any appeal, that may result from the neglect by such person or his employees of any necessary precautions against injury or damage to persons, vehicles or property of any kind.

- (7) One year Maintenance. (Repealed Ord. 617 - Amended 10/11/88)
- (8) Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel, and earth or other materials moved or penetrated and all surface monuments or shrubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before. Any excavated material shall be replaced with approved backfill material. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair. Upon issuance of a permit to excavate, there shall be paid to the City Treasurer a fee for a normal road cut 36 inches wide, one-half of the width of the road, and a fee for a normal road cut 36 inches wide and the full width of the road. These fees as from time to time will be established by resolution of the Common Council. Openings greater than 36 inches wide or any unforeseen damages will be billed to the Contractor at the Public Works Superintendent's discretion. The asphalt must be saw cut before removal. In opening any street or sidewalk, all surface monuments or shrubs must be removed and replaced nearly as possible in their original condition or position and all rubbish shall be immediately removed, leaving the street or sidewalk in acceptable repair. The trench must be backfilled with a 50/50 slurry backfill to within five (5) inches of the surface of the pavement and extending five (5) feet beyond the pavement into the shoulder area. The remaining five (5) inches shall be topped off with 3/4" traffic bond firmly compacted to meet the grade of the existing asphalt road surface. The Department of Public Works will replace the asphalt road surface. Notice must be given to the Public Works Superintendent twelve (12) hours in advance of the time of placing the slurry backfill and an inspector from the Public Works Department must be on site during slurry placement. The provisions of this section shall not apply to City Public Utilities or City. (Ord. #748 - 04/23/92)
- (9) Excavation in Permanently Improved Streets. Whenever the City determines to provide for the permanent improvements or repaving of any street, such determination shall be made not less than 60 days before the work of improvement or repaving shall begin. Immediately after such determination by the Public Works Superintendent, the City Clerk shall notify, in writing, each person owning property adjacent to the above-mentioned streets, all utilities, City Departments or other agencies owning or controlling any sewer, water main, conduit or other utility in or under said street, that all such excavation work in such street must be completed within 60 days. After such improvement or repaving, a road opening permit must be obtained in compliance with Section 8.04(8). In addition to the permit fee, the following fees will be charged as reimbursement for the cost of regulating such road openings, recognizing that such openings will necessitate long term and continued maintenance by the City: \$3,000.00 during the first year after improvement, \$2,500.00 during the second year after improvement, \$2,000.00 during the third year after improvement, \$1,500.00 during the fourth year after

improvement, and \$1,000.00 during the fifth year after improvement. Beginning the sixth year after improvement, the normal road cut ordinance will again be in effect. (Ord. #748 - 04/23/92)

- (10) Emergency Excavation Authorized. In the event of any emergency, any person owning or controlling any sewer, watermain, conduit or utility in or under any street and his or her agents or employees, may take immediate emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without first obtaining an excavation permit. Such permit shall be obtained no later than the end of the next succeeding business day and no permanent repairs shall be made without first obtaining an excavation permit hereunder. (Ord. #748 - 04/23/92)
- (11) City Work Excluded. The provisions of this section shall not apply to excavation work under the direction of the Superintendent of Public Works by City employees or contractors performing work under contract with the City necessitating openings or excavations in City streets. (Ord. #748 - 04/23/92)
- (12) Excavation by Public Utilities. In lieu of the bond required in Sub. (3), the certificate of insurance required in Sub. (4) and the deposit required in Sub. (8), but prior to the issuance of any permit required hereby, public utilities shall file with the City an indemnity agreement conditioned upon compliance with the terms of this section and indemnifying and saving harmless the City from any and all liability and claims for damages arising out of or resulting from work and labor performed by them for which permits are required hereby. If restoration of the public way is required, no further permits shall be issued to the utility involved until restoration has been completed and approved by the Superintendent of Public Works or the cost of same has been paid by the utility. (Ord. #748 - 04/23/92)

8.05 RENAMING STREETS (Ord. #979 -02/18/99)

- (1) To request the renaming of a City street, by anyone other than the City, a petition signed by at least fifty percent of all property owners along the street in question shall be submitted to the Public Works Committee for recommendation to the Common Council. Petition signatures shall be limited to one per parcel. Naming shall be accomplished through adoption of a formal resolution by the Common Council. (Ord. #1169 - 04-22-2004)
- (2) For streets within a recorded subdivision or certified survey map, an affidavit of correction shall be recorded with the Register of Deeds as specified under Sec. 236.295 of the Wisconsin State Statutes.
- (3) All costs associated with the naming, including the cost of any recording necessary and the cost of signage shall be paid by the person(s) submitting the request. This cost may be waived by the Common Council.

8.06 PENALTY

Any person who shall violate any provision of this Chapter or any order, rule or regulation made hereunder, shall be subject to a penalty as provided in sec. 25.04 of this Municipal Code.