

CHAPTER 530. SIDEWALK CONSTRUCTION, MAINTENANCE, AND USE.

530.01. Purpose. The purpose of this policy is to establish objectives, criteria, and procedures for the construction and maintenance of sidewalks. These policies are designed to:

(a) Establish a policy for locating sidewalks in order to provide the citizens of Ashland with a useful, consistent and safe pedestrian infrastructure while considering special circumstances of neighborhoods;

(b) Establish a policy of assessments for the costs of constructing, maintaining and repairing sidewalks

(c) Implement a plan of scheduled City maintenance and inspection of sidewalks;

(d) Establish design and construction standards;

(e) Establish a policy of individual responsibility and care;

(f) Provide a procedure for an orderly system of construction of sidewalks in existing developed areas of the City based on established criteria.

530.02. Sidewalk Location Criteria. The Common Council of the City of Ashland shall determine the location and configuration of sidewalks in the City. It shall be the general practice of the Common Council to provide for sidewalks on all residential and commercial streets and avenues in the City. However, the Common Council recognizes that sidewalks may not be desirable in all circumstances and shall use the following criteria to guide the Common Council and the Department of Public Works in determining whether to locate sidewalks on any particular City street or avenue:

(a) Streets and avenues in traditional residential neighborhoods or residential neighborhood with densities greater than 2 residential dwelling units per acre shall receive strong consideration by the Common Council for construction of sidewalks.

(b) Streets and avenues that have a direct relationship with parks, schools, public facilities, places of public assembly or commercial areas shall receive strong consideration by the Common Council for construction of sidewalks.

(c) Streets and avenues that experience high traffic volume, high traffic speeds and high volumes of pedestrian use that would indicate a safety need shall receive strong consideration by the Common Council for construction of sidewalks.

(d) Due to the availability of sunlight on the north and east sides of roadways, streets and avenues that are designated to receive a sidewalk on one side only shall have the sidewalk constructed on the north or east side of the roadway.

(e) The location of sidewalks within the public right-of-way may be adjusted at the direction of the Director of Public Works to accommodate the unique physical characteristics of the

property and to better meet the needs or concerns of abutting property owners.

(f) The Common Council may exercise considerable discretion in determining the location of sidewalks in the City and the Common Council recognizes the right of the City to build sidewalks on any public right-of-way that they may determine appropriate.

530.03. Location of Sidewalks. The Department of Public Works shall prepare and maintain a Sidewalk Location Map that shows where sidewalks will be constructed in the City. The Sidewalk Location Map shall indicate the priority status of the street or avenue and whether a sidewalk will be constructed on both sides, or one side only. The map shall be reviewed and approved annually by a resolution of the Common Council and shall be included in the “Comprehensive Sidewalk Policy” which is incorporated here by reference and shall be on file at the office of the City Clerk.

530.04. Multi-Year Sidewalk Improvement Program. The Public Works Department shall create and maintain a program for the replacement and/or construction of sidewalks. The program shall be a component of the long-range capital improvement program of the City of Ashland. The Public Works Department shall conduct annual inspections of sidewalks located in the public right-of-way. The Department shall maintain a written record regarding the condition of sidewalks in the City and document all removal, repair or replacement activity. In establishing priorities, the Department shall consider the following:

(a) The condition rating given by the Department during the regular inspections of the sidewalks;

(b) The estimated pedestrian use that is currently being experienced, or which can reasonably be expected to be experienced, on a designated safe walking route;

(c) The traffic volume and speed on streets adjoining a designated safe walking route;

(d) The adequacy of existing safe walking routes to schools;

(e) The need for sidewalks for one or both sides of the street to establish a safe walking route;

(f) The capital improvement schedule of adjoining street and utility projects; and

(g) A property owner or a group of property owners may petition the City for consideration for inclusion and priority status on the Sidewalk Improvement Program.

As part of the annual municipal budget process, the Public Works Director shall present recommendations for the replacement and/or construction of new sidewalks in the City.

530.05. Sidewalk Construction, Maintenance and Repairs. The City of Ashland shall be responsible for construction and physical maintenance and repairs of sidewalks located on the public right-of-way. The City shall assess the costs of sidewalk construction, maintenance and

repairs to abutting property owners in conformance with the Sidewalk Special Assessment Policy. The Sidewalk Special Assessment Policy shall be reviewed and approved annually by a resolution of the Common Council and shall be included in the “Comprehensive Sidewalk Policy” which is incorporated here by reference and shall be on file at the office of the City Clerk. The special assessment policy shall apply to all locations described in Section 530.030 with the following exceptions and criteria:

(a) The developer of any new residential, commercial, or industrial site shall present sidewalk plans to the City for review and approval at the time building plans are submitted and prior to any construction starting. The cost of installing new sidewalks at locations abutting new residential, commercial or industrial construction shall be the responsibility of the developer.

(b) Where sidewalk construction or replacement is incidental to Federal or State highway construction and the costs for the sidewalk construction are borne entirely by the Federal or State Agency.

(c) Where a property owner chooses to construct, replace or repair sidewalk in the abutting right-of-way. The work shall be performed by a pre-approved Contractor or an “experienced and qualified individual” in good standing with the Public Works Department. The total cost of construction, and removal where necessary, shall be borne entirely by the property owner.

(d) No one shall construct or replace sidewalk in the public right-of-way where it is not provided for in section 530.030 of this ordinance.

(e) Funding for sidewalk construction, maintenance, replacement and removal shall be considered each year by the City Council as part of their annual budget deliberations.

530.06. Abandonment of Sidewalks. The Department of Public Works will be responsible for the removal of unsafe sidewalks in the City, where those sidewalks exist on roadways that are not designated for sidewalks in this Ordinance. The Public Works Department shall remove and dispose of the concrete from abandoned sidewalks at no cost to the abutting property owner. Upon removal of the concrete, the Department shall repair improved driveways and/or walkways damaged as a result of the sidewalk removal. The Department will place clean fill material and plant grass seed in the remaining excavated area. Adjoining property owners shall be responsible for the watering and care of the newly landscaped area.

530.07. Sidewalk Construction. All sidewalk construction, on public right-of-ways, shall be in strict compliance with the Standard Specifications for Sidewalk Construction developed and approved by the Public Works Department of the City of Ashland. The Standard Specifications for Sidewalk Construction shall be included in the “Comprehensive Sidewalk Policy” which is incorporated here by reference and shall be on file at the office of the City Clerk. The Department shall provide a copy of this Ordinance and a copy of the “Comprehensive Sidewalk Policy” to any person or contractor intending to complete sidewalk improvements in the City. In addition to the construction requirements listed in the Standard Specifications, the following construction requirements must be followed:

(a) A right of way permit issued under Chapter 501 must be obtained from the Public Works

Department prior to digging, excavating, trenching, auguring, or jacking within any street right of way.

(b) Anyone completing unapproved sidewalk construction shall be subject to a fine or forfeiture as provided by these Ordinances and may be required to remove or replace the unapproved sidewalk at their own expense if the sidewalk does not meet the standards of the City.

(c) The person or contractor holding the right-of-way permit for sidewalk construction or maintenance is responsible for the safety of pedestrians and vehicular traffic in the immediate area of the construction site.

(d) All sidewalks constructed within the City shall meet the requirements and provisions set forth in the Americans with Disabilities Act.

(e) Deviations from the normal placement of sidewalks may be approved by the Director of Public Works/City Engineer after a complete review of the physical conditions of the property and the impacts on the abutting property owners.

(f) It is the intent of this chapter to limit the construction of sidewalks in the City of Ashland to the streets and avenues identified on the approved sidewalk map as referenced in Section 530.03. Changes to the approved sidewalk map may be made by the City Council after a complete review of the public costs and public benefits that would be anticipated from the proposed change.

530.08. Summer Sidewalk Maintenance. Summer maintenance of sidewalks shall be the responsibility of property owners abutting the City sidewalk. Maintenance shall include, but not be limited to:

(a) Removal of encroachments, hazards or obstructions such as grasses, weeds and vegetation across the width and length of sidewalk abutting the property. It will also include sod, leaves, branches, sand and rock.

(b) Overhanging vegetation, ornaments, decorations, or structures shall not hang below a height of eight feet over the sidewalk grade.

(c) No vegetation, structures, ornaments, or decorations shall encroach upon the sidewalk within a vertical line starting at the inner edge of the sidewalk.

(d) The Public Works Director may order the removal of grasses, weeds, vegetation and other encroachments, hazards or obstructions. Removal shall be the responsibility of the owner(s) of the abutting property. If after adequate notification, the abutting property owner(s) fail to remove the encroachments, hazards or obstructions, then the Public Works Director may arrange for a contractor to undertake the removal. The bill for removal shall be provided to the abutting property owner and if unpaid, a lien may be placed on the abutting property in accordance with sec. 66.615, Wis. Stats.

(e) The Public Works Director may order the removal of any tree that may be causing damage to a sidewalk. Trees located on the public right-of-way shall be removed at the expense of the City of Ashland. Removal of a tree located on private property causing damage to the sidewalk shall be the responsibility of the owner(s) of the abutting property. If after adequate notification to remove a tree causing damage, the abutting property owner(s) fail to remove the tree, then the Public Works Director may arrange for a contractor to undertake the removal. The bill for removal of the tree shall be provided to the abutting property owner and if unpaid a lien may be placed on the abutting property in accordance with sec. 66.615, Wis. Stats.

530.09. Winter Sidewalk Maintenance. The property owner abutting a public sidewalk shall be responsible for the removal of snow from the sidewalk. Snow removal shall include the entire width of the sidewalk and shall be completed no later than 48 hours after a snowfall of two (2) inches or greater. In the case of a snow emergency declared by the City, snow removal shall be completed within 48 hours after the City has declared an end to the snow emergency. Snow removal shall be to the lowest level possible to allow safe travel by pedestrians. The Department of Public Works will be responsible for the removal of snow from sidewalks in the following situations:

(a) The Department may cause the removal of snow and ice from sidewalks that have not been removed in the required time period by the responsible property owners. Failure to remove snow and ice from sidewalks as provided by this Ordinance will result in a fine or forfeiture levied against the abutting property owner as provided by these Ordinances. Also, the Department shall bill the abutting property owner for the full cost of removing the snow and ice and if unpaid a lien may be placed on the property in accordance with Wisconsin Statute (66.615).

(b) The Department will remove snow from the Business District of the City in accordance with the provisions and assessments of Municipal Ordinance Number 533.

(c) The City Council may, after a finding of compelling public safety concern and by formal Resolution, direct the Department of Public Works to accept the responsibility for primary snow removal on a designated sidewalk. In cases where the Department provides primary snow removal services, the abutting property owner will be responsible for any and all secondary snow removal activities, including the shoveling of spillage from City equipment and the scraping, sanding and placing melting agents when appropriate.

(d) The Mayor of the City of Ashland may declare by formal Proclamation an extended winter snow emergency and suspend the requirements for abutting property owners to remove snow and ice from City sidewalks.

530.10. Prohibited Acts The following activities shall be prohibited on City sidewalks:

(a) No one shall damage City sidewalks. Anyone damaging a City sidewalk shall be subject to a fine or forfeiture as provided by the Ashland city Ordinances and will be required to repair or replace the damaged sections of sidewalk in accordance with City standards.

(b) No one shall park motorized vehicles of any type on, or over, a City sidewalk unless for purposes of temporary loading, or unloading, or those vehicles that are intended for the sole use of a child or those vehicles are considered to be medical apparatus.

(c) No one shall allow an ongoing accumulation of toys, debris, bicycles, or any other item that may be considered unsafe for pedestrian movement.

(d) No one shall place electrical cords, garden hoses, ropes, or cords, or unlighted barricades across City sidewalks during hours of darkness.

(e) No person shall operate motorized vehicles of any type on City sidewalks. Motorized toys used by children, as well as, medical apparatus are exempt from this chapter. Motorized vehicles used for the sole purpose of snow removal are exempt while removing snow.

(f) No bicycles, skateboards, roller blades or roller skates shall be operated upon any sidewalk in any portion of the Central Business District in the area described below. Bicycles, skateboards, roller blades and roller skates may be operated on the sidewalks in public parks and in residential districts, but in single file only. Under all circumstances, the users shall yield the right-of way to pedestrians using the sidewalks, and due and proper care shall, at all times, be exercised by the users for the pedestrians. When approaching a pedestrian on a sidewalk, the speed of a bicycle or skate board shall be reduced to a speed which is no greater than necessary to continue the operation of the bicycle or skateboard without the rider dismounting, and shall not be increased until the pedestrian has passed. When approaching a pedestrian, roller blade and roller skate users shall yield the right-of-way to the pedestrian and slow to a speed which allows for safe, controlled passing of the pedestrian. "Central Business District" sidewalks are defined as those sidewalks lying within the area between US Highway #2 and Third Street and bounded on the East by Stuntz Avenue and on the West by Beaser Avenue.

530.11. Enforcement. Enforcement of these Ordinances shall be a cooperative effort between the Ashland Police Department, Ashland Public Works Department and the City Zoning Administrator. The Police Department shall enforce the provisions of this chapter related to bicycles, roller blades, skateboards, roller skates or motorized vehicle violations. The Public Works Department shall enforce the construction standards and maintenance sections of chapter. The Zoning Administrator shall enforce the restrictions related to placement of items on the sidewalk and property maintenance related violations.

530.12. Penalties.

(a) Anyone violating the provisions of these Ordinances shall forfeit not less than the following:

- (1) 1st Offense: \$25.00
- (2) 2nd Offense: \$50.00
- (3) 3rd and subsequent offenses: \$100.00

(b) Forfeitures shall be in addition to any bills issued by the City for work performed, either by or under the direction of the City, to correct conditions leading to a violation of these Ordinances.

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