

## Ordinance No. 2017-01

### CHAPTER 12

The Village Board of the Village of Rockdale, Dane County, Wisconsin, DO  
ORDAIN as follows:

**CHAPTER 12 OF THE CODE OF ORDINANCES SHALL BE REPEALED AND  
RECREATED TO READ AS FOLLOWS:**

#### **SIDEWALK, DRIVEWAY, AND CURB AND GUTTER ORDINANCE**

##### **12.01 COMPLIANCE WITH ORDINANCE.**

Notwithstanding any provisions to the contrary within this Ordinance or any other Village Ordinance, these provisions shall apply and have priority.

- (A) Development After April 20, 2007. The requirement for sidewalks, curb and gutter and drainage facilities in new development set forth in the Village Subdivision Ordinance apply to subdivisions and land divisions in the Village that are created after April 20, 2007. To the full extent possible, this Sidewalk, Driveway and Curb and Gutter Ordinance shall be interpreted and applied to such development so as to either be consistent with the Village Subdivision Ordinance or to supplement the Village Subdivision Ordinance. If there is a contradiction between the two ordinances, the stricter requirements shall apply.
- (B) Development Existing on April 20, 2007. The Village recognizes that, in areas developed within the Village prior to April 20, 2007, uniform compliance with this Sidewalk, Driveway, and Curb and Gutter Ordinance may be impossible or impractical. While the this Ordinance shall be applied to such development areas to the full extent deemed reasonable by the Village Board, the Village Board expressly reserves the right to make exceptions to this Ordinance on a project-by-project basis. In such cases where the Village Board determines that an exception should apply, decisions regarding sidewalks, curb and gutter, driveways and related street improvements shall be determined through the reasonable exercise of the Village Board's discretion on a project-to-project basis. The exercise of the Village Board's discretion shall be deemed reasonable if the determination is reached following consideration of the following:

- (1) Ordinances establishing public improvements requirements and design standards applied to new development; and,
- (2) Policies and plans adopted by the Village Board, such as the comprehensive land use plan and policies for street reconstruction and sidewalk replacement; and,
- (3) Impact on public health, welfare and safety; and,
- (4) Community standards and affordability; and,
- (5) Relevant circumstances presented by the particular project being considered; and,
- (6) Input from residents familiar with the project and the community; and,
- (7) Recommendations from the Village Engineer, particularly with respect to generally accepted engineering practices for the project; and,
- (8) Relevant advice from experienced consultants, as determined by the Village Board; and,
- (9) Such other relevant information as may be legally considered by the Village Board.

The Village Board's determination may be evidenced by a motion approving/denying/amending the project, the required improvements and/or the design standards.

#### **12.02 CONSTRUCTION, REPAIR AND REPLACEMENT OF SIDEWALKS AND CURB AND GUTTER.**

- (A) Board May Order. The Village Board may determine that sidewalks or curb and gutter may be constructed, laid, rebuilt or repaired along or upon any public street, right-of-way or highway within the Village. The Village Board may determine or change the width or grade of any street or sidewalk.
- (B) Apportionment of Sidewalk and Curb and Gutter Costs. The total cost of new sidewalks and new curb and gutter installed upon existing streets shall be borne by the Village. Any time the Village rebuilds or reconstructs a street, curb and gutter and sidewalks shall be installed by the Village at the property owner's expense, as a special assessment to the property affected in accordance with Wis.

Stats. 66.0703. Sidewalks in new subdivisions shall be installed by the subdivider pursuant to the Village's Subdivision Ordinance.

- (C) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalk within the Village unless he or she is under contract with the Village to do such work or has obtained a permit therefore from the Village Clerk-Treasurer at least three (3) days before work is proposed to be undertaken. No fee shall be charged for such permits.
- (D) Standard Specifications for Sidewalk.
  - (1) General. Concrete sidewalk construction shall meet the specifications and provisions set forth in this section and shall be constructed in locations and to line and grade as established by the Village.
  - (2) Grading. Prior to construction, ground on which sidewalks are to be placed shall be brought to within three (3) inches of subgrade by the contractor.
  - (3) Subgrade. Subgrade shall be three (3) inches of sand fill, thoroughly and uniformly compacted and brought to correct grade placing of concrete and thoroughly wet down immediately before concrete is placed. Soft and unsuitable subgrade material shall be removed and replaced with sand or other satisfactory material, and the subgrade shall be thoroughly and uniformly compacted and moistened immediately before the concrete is placed. Subgrade material shall be lightly moistened prior to pouring concrete.
  - (4) Forms. Wood or metal forms shall be straight and of sufficient strength to resist placement during pouring. Forms shall be cleaned and oiled prior to use.
  - (5) Concrete. Concrete shall test four thousand (4,000) PSI in twenty-eight (28) days. Air content shall be 6% plus/minus 1%. Bituminous sidewalks are prohibited.
  - (6) Jointing. Expansion joints one-half (1/2) inch thick and four (4) feet wide shall be placed at fifty (50) foot maximum intervals. At all places where a sidewalk intersects another sidewalk or curblin, a one-half (1/2) inch expansion joint shall be placed. ASTM D1751 or ASTM D1752 compliant jointing shall be used.
  - (7) Slope. To provide adequate drainage, the sidewalk shall slope toward the curb at a minimum rate of one-fourth (1/4)

inch per foot of width of sidewalk. All joints and edges shall be finished with a one-fourth (1/4) inch radius edging tool. Sidewalks shall be constructed within the limits of the street, and unless otherwise specifically indicated, there shall be a six (6) inch strip of street property left between the property line and the edge of the sidewalk.

- (8) Width and Thickness.
  - (a) All residential sidewalks in the Village shall be four (4) feet in width;
  - (b) The width of sidewalks in commercial areas shall be as determined by the Village Board;
  - (c) Residential walks shall not be less than four (4) inches thick except within driveway approaches where the minimum thickness shall be six (6) inches. Sidewalks in front of commercial or industrial establishments shall be not less than five (5) inches in thickness, except within driveway approaches where the minimum thickness shall be seven (7) inches;
  - (d) One-half (1/2) inch reinforcement rod shall be used when replacing or repairing sidewalks over alley entrances. ASTM A616 Grade 60 deformed bars shall be utilized when reinforcing rods are required. ASTM A185 welded wire fabric shall be utilized when wire mesh is allowed.
- (9) Finishing. The concrete shall be struck off true to grade, finished smooth and given a broom finish. All edges shall be rounded. No tool marks shall be left on exposed surfaces. In case of rain, the walk shall be covered to protect the surface from being damaged. Walks shall be kept free from all traffic at normal temperatures for forty-eight (48) hours and in cold weather (below fifty (50) degrees F.) for ninety-six (96) hours. No concrete shall be poured when the temperature may be expected to fall below thirty-five (35) degrees F. in any seventy-two (72) hour period or upon frozen subgrade.
- (10) Curing. Concrete shall be kept moist by sprinkling, covering or a combination of both for a minimum of five (5) days. Concrete shall be cured with a uniform coating of white-pigmented membrane-curing compound. Apply the compound as soon after finishing as the free water has disappeared from the surface. Apply to formed surfaces within thirty (30) minutes after the forms are removed. Apply

with a hand-operated pressure sprayer at a rate of one (1) gallon per 200 square feet. Concrete shall be protected from all traffic for three (3) days and from vehicular traffic for seven (7) days.

- (11) Contraction Joints. Transverse contraction joints shall be provided at five-foot intervals. If the walk is greater than twelve (12) feet wide, provide a longitudinal joint at the midpoint. Joints shall be formed by cutting the concrete not less than one-fourth (1/4) of the depth with a pointed trowel or other suitable tool. The edges shall be finished with a one-fourth (1/4) inch radius tool. Joints shall have a minimum width of one-eighth (1/8) inch and a minimum depth of one (1) inch.
- (12) Higher Standards. Where deemed necessary by the Village, higher sidewalk standards may be required by the Village Board.

(E) Repair or Replacement of Defective Sidewalks.

- (1) The Village shall establish an inspection procedure to ensure that all Village sidewalks are inspected on a periodic basis. The minimum goal shall be for ten (10) percent of all sidewalks to be inspected on an annual basis, so that all of the Village sidewalks are inspected at least once every ten (10) years. The inspection shall follow a rotation system throughout the Village. There shall be no time frames or limits established. Hazardous conditions reported to the Village shall be investigated immediately.
- (2) Any sidewalk which the Village determines to be unsafe, defective, or insufficient shall be repaired or removed and replaced with a sidewalk in accordance with this section. The Village shall determine the exact repairs to be made.
- (3) The Village Board shall have discretion to determine if a sidewalk is defective. Criteria shall be based on evidence of deterioration and potential hazards due to concrete sections being broken, tilted, raised, chipped or displaced through overall use and freeze and thaw action. The following criteria shall be considered in determining whether a sidewalk is defective or insufficient:
  - (a) Vertical displacement of a random crack or at a joint between sidewalk slabs. Vertical differential of three-fourths (3/4) inch or more between adjacent sharp-edged individual sidewalk blocks (crack in slab) and

between adjacent round-edged individual sidewalk blocks (joint) shall be considered defective.

- (b) A horizontal random crack. One and one-fourth (1 ¼) inch or more horizontal distance between adjacent individual sidewalk blocks shall be considered defective.
  - (c) Four (4) or more random cracks in a sidewalk square.
  - (d) Vertical alignment irregularities. Deterioration of the surface to a vertical depth of one-half (1/2) inch or more within each individual sidewalk block shall be considered defective.
  - (e) A cracked sidewalk with pieces missing.
- (4) If eighty (80) percent of a property owner's sidewalk blocks are determined to be defective or insufficient, the entire sidewalk shall be replaced.
- (5) Sidewalks shall be designated to be replaced or repaired as time, staff, and budget permit except in the event of a hazardous condition which requires immediate attention. Criteria to be considered include at least the following:
- (a) The location of the sidewalk (downtown vs. residential);
  - (b) The expected amount of pedestrian traffic on the sidewalk;
  - (c) The severity of the defect;
  - (d) The availability of alternate routes.
- (6) (a) All sidewalks identified for repair or replacement shall be marked with a paint spot. The owner thereof shall be sent a notice identifying the sidewalk area(s) to be repaired and the time frame for completing such work. The owner shall be given a deadline for completing temporary repairs if applicable and he or she shall have sixty (60) days following the date of such notice in which to complete permanent repairs or replacements. Such time frame may be extended because of exigent circumstances, such as the time of the year. In the event that the Village determines that a hazardous situation exists requiring emergency repairs of a sidewalk, such notice may be reduced to twenty (20)

days. In the meantime, such sidewalk may be blocked off from pedestrian or other use.

- (b) If the property owner does not complete the required repairs or replacements within the time frames contained in such notice, the Village shall complete such repairs at the property owner's cost.
  - (c) All repairs or replacement shall be performed by a qualified contractor only, such contractor to be approved by the Village prior to commencing any such work, or by the Village.
  - (d) Temporary repairs may consist of asphalt.
- (7) In the event that the Village repairs or replaces the sidewalk, the owner shall be assessed the cost thereof pursuant to the provisions of Wisconsin Statutes. The property owner shall be responsible for the cost of all sidewalk repair and replacement, except that the property owner of a corner lot shall be responsible for the cost of such repair or replacement on the longer side of his or her property only, and the Village shall be responsible for handicapped ramps at intersections.
- (F) **Illegal Sidewalks.** No sidewalk which shall be constructed contrary to the provisions of this section shall be considered a legal sidewalk and the same may be ordered to be replaced with a legal sidewalk and with one that is in conformity with this section, the same as if no sidewalk whatever had been built or constructed in the place where any such sidewalk is located.

### **12.03 SNOW AND ICE REMOVAL REQUIRED – ENFORCEMENT.**

- (A) **Removal from Sidewalks.** The owner, occupant or person in charge of any parcel or lot which fronts upon or abuts any sidewalk and/or sidewalk approach shall keep the sidewalk and approach clear of all snow and ice. In the event of snow accumulating on the sidewalk due to natural means and/or by any other means, the sidewalks and approaches shall be cleared of all accumulated snow and/or ice within twenty-four (24) hours from the time the snow ceases to accumulate on the sidewalk. Sidewalks are to be kept clear of snow and ice to a minimum of four (4) feet in width, or the width of the existing sidewalk if it is narrower. In the event that ice has formed on any sidewalk or approach in such a manner that it cannot be removed, the owner, occupant or person in charge of the parcel or lot which fronts or adjoins the sidewalk shall regularly apply to the

sidewalk and approach a material to accelerate melting and prevent slipping to permit safe travel by pedestrians.

- (B) Mailboxes. Subject to all federal laws regarding mailboxes, the area around a mailbox shall be cleared of snow and ice within twenty-four (24) hours from the time the snow ceases to accumulate and shall thereafter be kept clear of snow and ice.
- (C) Snow and Ice Not to Encroach. No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use except for parcels or lots located where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exist from the Village right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks onto the public streets. Otherwise, snow shall be kept on the property of the owner unless permission has been granted from the property owner that snow is put on.
- (D) Notice and Removal of Snow from Sidewalks. If the owner, occupant or person in charge of any parcel or lot which fronts upon or adjoins any sidewalk which may include cross walk approaches shall fail to keep them clear of snow and ice as set forth in subsection A of this section, Village enforcement officers and/or designated Village officials and employees shall take the following action: Hazardous Conditions. If a Village enforcement officer and/or designated Village officials and employees determine that the failure to remove the snow and ice from the sidewalk and/or cross walk approach creates an immediate danger to the public health and/or safety, he/she shall cause the issuance of a written notice to the owner, occupant or person in charge of any parcel or lot directing that the snow and ice be removed within twenty-four (24) hours from the delivery of the notice. In the event the property owner, occupant or person in charge of the parcel or lot is unavailable to receive a written notice, or such person refuses to remove such snow/ice after notice of violation, the Village enforcement officers and/or other designated Village officials and employees shall immediately cause the removal of the snow and/or ice. The Village enforcement officers and/or other designated Village officials and employees shall send a written notice to the last known address of the property owner notifying him/her that a hazardous condition existed which required immediate abatement.
- (E) Snow, Ice and Water Falling From Buildings. The owners or occupants of buildings adjacent to public sidewalks shall take measures to protect the public from the falling snow, ice or water from such buildings.



- (F) Continued Violations. Only one (1) notice per year (year shall run from October 1<sup>st</sup> through September 30<sup>th</sup>) shall be sent to said property owner in regard to clearing snow. If repeated failures to remove snow are detected, citations will be issued without further notice. Each twenty-four-hour period where a violation occurs shall constitute a separate offense under this section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this section.
- (G) Abatement After Notice. Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow and/or ice within the time established after receiving a written notice shall result in a citation being issued and the Village may cause the removal of the snow and/or ice.
- (H) Expense. If the Village causes the removal of snow and/or ice, an account of the expenses incurred by the village to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner. Notice of the bill for the removal of snow and/or ice shall be mailed to the last known address of the owner of the parcel or lot and shall be payable within thirty (30) calendar days from the receipt thereof. If such costs and expenses are incurred and remain unpaid following the thirty (30) calendar days, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by Section 66.0907(5), Wis. Stats.
- (I) Enforcement. All sworn police officers and other designated Village officials and employees are authorized and directed to enforce the provisions of this section.
- (J) Violation – Penalty. In addition to the provisions set forth in this section, any person, firm or corporation which violates the provisions of this section shall be subject to a General Penalty as provided in Section 20.02, Municipal Code of Ordinances. The Village Board may establish required minimum and maximum penalty provisions within the provisions of said Section 20.02, Municipal Code of Ordinances for violation of this section by Resolution.
- (K) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

- (L) Other Remedies. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures above.

#### **12.04 DRIVEWAY PERMIT REQUIRED.**

- (A) Purpose. For the safety of the general public, the Village shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (B) Permit Required to Construct, Reconstruct, Alter or Enlarge. No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village without first obtaining a driveway permit therefore as provided by this chapter. A driveway permit is not required when a new driveway is to be constructed in conjunction with the construction of a new principal structure; the driveway is included in the building permit process in such cases.
- (C) Application. Application for such permit shall be made to the Village Clerk-Treasurer on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. There is no fee for a driveway permit. Upon receipt of the application and the fee if required, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Village Clerk-Treasurer shall approve such application if the proposed driveway complies with the terms and conditions of this chapter and any other applicable Village Ordinance.
- (D) Application Provisions. All driveway permit applications shall contain the applicant's statement that:
  - (1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his or her property and not for the purpose of parking or servicing vehicles, advertising, storage or

merchandising of goods within the dedicated portion of the Village street, or for any other purpose.

- (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.
- (3) The permittee, or his or her successors or assigns, agrees to indemnify and hold harmless the Village, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
- (4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.

#### **12.05 DRIVEWAY LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.**

- (A) General Requirements. The location, design and construction of driveways shall be in accordance with the following:
  - (1) General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
  - (2) Number. The number of driveways to serve an individual property fronting on a street shall be one, except where deemed necessary and feasible by the Village Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.

- (3) Island Area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in subsection (A)(6) of this section.
- (4) Drainage. The surface of the driveway connecting with rural type street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.
- (5) Reconstruction of Sidewalks and Curb and Gutter. When the construction of a driveway requires the removal of a curb or gutter the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.
- (6) Restricted Areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
  - (a) The filling or draining shall be to grades approved by the Village and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
  - (b) Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
  - (c) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Village Board.

- (7) Relocation of Utilities. Any costs of relocating public utilities shall be the responsibility of the property owner with approval of the Village Board or authorized committee thereof necessary before any utility may be relocated and the driveway installed.
  - (8) Construction Across Sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction in Section 12.02 of this title insofar as such requirements are applicable, including thickness requirements.
  - (9) Variances. Any of the above requirements may be varied by the Village Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- (B) Special Requirements for Commercial and Industrial Driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than thirty (30) feet measured at right angles to the center line of the driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Village Board in its discretion may permit a driveway of additional width.
  - (2) Angular Placement of Driveway. The angle between the center line of the driveway and the curb line shall not be less than forty-five (45) degrees.
  - (3) Island Areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six (6) feet measured along the curb line shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of ten (10) feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curb line. A curb length of not less than three (3) feet shall be left undisturbed adjacent to each property line to serve as an

island area in the event an adjoining property owner applies for a driveway permit to serve his or her property.

- (C) Special Requirements for Residential Driveways. The following regulations are applicable to driveways serving residential property:
  - (1) Width of Driveways. Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.
  - (2) Angular Placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.
- (D) Appeal from Permit Refusal. Any person feeling aggrieved by the refusal of the Village Clerk-Treasurer to issue a permit for a private driveway may appeal such refusal to the Village Board within twenty (20) days after such refusal to issue such permit is made.
- (E) Prohibited Driveways.
  - (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Village except as permitted by this section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in nonconformance with this chapter.
  - (2) No driveway shall be closer than ten (10) feet to the extended street line at an intersection. At street intersections a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Village for effective traffic control or for highway signs or signals.
  - (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
  - (4) No driveway apron shall extend out into the street further than the facing of the curb and under no circumstances shall such driveway apron extend into any gutter area. All driveway

entrances and approaches shall be constructed as not to interfere with the drainage of streets, side ditches or roadside areas, or with any existing structure on the right-of-way.

- (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved shall extend beyond the culvert spanning the water course located in such public way.

(F) Culvert Construction and Standards.

- (1) **Size.** Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than twelve (12) inches in diameter (or equivalent elliptical or arch pipe) will be allowed. All culverts shall be constructed of galvanized steel or reinforced concrete, and shall be made of new manufacture, unless specifically acceptable by the Village Engineer.
- (2) **Gauge.** The minimum wall thickness for the galvanized steel pipe culverts shall be in accordance with the following:

Pipe Diameter	Gauge
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

Height of Cover (in feet)	Class of Pipe
0-2	IV
2-3	III
3-6	II

- (3) **Drainage.** The culverts shall be placed in the ditchline at elevations that will assure proper drainage.
- (4) **Endwalls.** Culverts shall be provided with a concrete or metal apron endwalls as directed by the Village Engineer.
- (5) **Backfill Material.** Material used for backfill shall be of quantity acceptable to the Village Engineer and shall be free from frozen lumps, wood, or other extraneous or perishable

materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be six (6) inches.

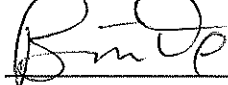
- (6) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Village Engineer.
- (7) Distance. The distance between culverts under successive driveways shall not be less than ten (10) feet except as such restricted area is permitted to be filled pursuant to subsection (A)(6) of this section.
- (8) Cost. The property owner shall install the culvert and be responsible for the cost thereof. The property owner shall keep his or her culverts unobstructed and clean.
- (9) Appeal. Persons may request a variance from the culvert requirements of this section by filing a written appeals request with the Village Clerk-Treasurer, who shall place the matter as an agenda item for the Village Board's next meeting. The Village Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Village Engineer may be asked to render an opinion on the request.

The Village Board DO FURTHER ORDAIN that this Ordinance shall be effective following its adoption, posting and/or publication.

Dated this 16th day of October, 2017.

Chapter 12 was duly adopted at a regular meeting of the Village Board of the Village of Rockdale held on the 16<sup>th</sup> day of October, 2017, by a vote of 5 ayes, 0 nays, 0 not voting (absent).

APPROVED:



Benjamin Timp, Village President

ATTEST:



Linda L. Dieckhoff, Village Clerk-Treasurer

Posted: October 24, 2017

Passed: October 16, 2017