

## CHAPTER 8

### **PUBLIC WORKS**

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**8.01 STREETS AND SIDEWALK GRADES.**

- (1) ESTABLISHMENT. The grade of all streets, alleys, and sidewalks shall be established and described by the Village board and shall be recorder by the Village Clerk in his office. No streets, alley or sidewalk shall be worked until the grade thereof is established.
- (2) ALTERING PROHIBITED. No person shall alter the grade of any street, alley, sidewalk or public ground, or any part thereof, unless authorized or instructed to do so by the Village Board.

**8.02 STREET CONSTRUCTION SPECIFICATIONS.** All streets within the Village shall be constructed according to the following specifications.

- (1) Village highways shall have a minimum right-of-way width of 66 feet between property lines.
- (2) The center of the roadbed shall be in the centerline of the land dedicated for road purposes. The grade of the road shall conform to the plans prepared by the owner's engineer and submitted to the Village Board for its review and approval pursuant to §8.01. On dead-end roads a turn-around with a 120 feet diameter right-of-way shall be provided with 90 feet surfaced.
- (3) Topsoil, mucky soil, peat, and other unstable material shall be removed below the sub-grade of roads to the depth specified by the Roads and Streets Committee and replaced with suitable, sound fill materials.
- (4) Rock shall be excavated to a point at least 20 inches below the finished grade of roads, 16 inches below the finished grade of sidewalk and terraces, and 8 inches below ditch grades. Un-drained pockets in the rock surface shall be drained prior to the placement of base material.
- (5) The sub-grade shall be graded within a tolerance of 2 inches plus or minus. When excavation to sub-grade is complete, the developer's engineer shall inspect the same and send written certification of its compliance with the approved plans to the Village Clerk and the Roads and Streets Committee. The Village Board and/or Roads and Streets Committee shall then inspect and approve the sub-grade prior to the placement of surfacing material.
- (6) The Village Board and/or Roads and Streets Committee shall determine the length and size of all culverts and other provisions for handling surface water such as deeper or wider ditches, storm sewer, etc. Such drainage structures shall be installed by the developer at his expense. Standard galvanized apron end-walls shall be installed by the developer at each end of all culverts.

Minimum standards for driveway culverts shall be Arch NO. 15 c.m.p., 20 feet in length.

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- (7) All roads shall be surfaced to a minimum width of 30 feet (greater widths may be necessary depending on class road) symmetrical about the centerline.
- (8) Roads shall be surfaced with 8 inches of compacted  $\frac{3}{4}$  inch crushed gravel (Wisconsin Division of Highways Gradation No. 2) and placed in at least 3 separate lifts. The Roads and Streets Committee and/or the Village Board shall approve the gravel prior to its placement. IF testing for gradation is necessary, either before or after placement, such testing shall be done at the developer's expense. Any material which has been placed and does not conform to the gradation requirements shall be removed and replaced at the developer's expense. If additional gravel is required, in the judgment of the Village Board and/or Roads and Streets Committee, to stabilize the road, the same shall be furnished and applied to the satisfaction of the Village Board before acceptance at no cost to the Village.
- (9) After the streets have been surfaced, the streets shall be dust-proofed with one applications of SCO at .035 gallon per square yard followed, after a minimum of 6 hours, by an application of MC 3 at 0.35 gallon per square yard. Limestone chips or pea gravel, 3/8-inch maximum size, shall then spread on the treated surface at 20 to 30 pounds per square yard. All such dust-proofing and treatment shall be at no cost to the Village and shall be approved by the Roads and Streets Committee before final acceptance of the streets, Maintenance of the streets shall be the responsibility of the sub-divider until the final acceptance of the streets by the Village. The contractor shall furnish and use proper barricades.
- (10) Side slopes and ditches along roads or in easements shall be covered with topsoil, prepared, seeded or sodded, fertilized and maintained for a sufficient period to provide adequate grass cover prior to acceptance by the Village Board. A double width of jute matting may be used to insure grass growth in the ditches. The Weed Commissioner shall set the seed mixture.
- (11) Street signs, culvert posts and guard rails, as required by the Village Board, shall be obtained and placed by the Village, the cost of which shall be paid by the sub-divider.
- (12) Roads will not be accepted by the Village before May 1, or after November 1. Acceptance of roads will not relieve the developer of his responsibility for providing adequate grass on the side slopes or in it ditches.
- (13) Sidewalk construction and materials, where required by the Village Board, shall conform to the applicable provisions of the "Standard Specifications for Road and Bridge Construction", State of Wisconsin Department of Transportation,

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Division of Highways. Concrete shall be Division of Highways, Gradation AA.  
All cost of sidewalk construction shall be paid by the sub-divider.

- (14) The sub-divider shall pay for the cost of all engineering work as may be required by the Village.

- (15) The sub-divider shall pay to the Village the sum of \$.20 for each lineal foot of drainage easement and \$1.00 for each lineal foot of roadway before the final plat is approved.

**8.03 SIDEWALK CONSTRUCTION AND REPAIR.** Except as provided in §8.02(13), and 66.615, Wis. Stats., shall apply, provided the initial cost of construction shall be borne by the abutting property and the cost of repair shall be shared by the Village and the abutting property.

**8.04 STREET EXCAVATIONS.** (Ord. #81)

- (1) **PERMIT REQUIRED.** No person shall excavate any street, alley, highway, sidewalk or other public way within the Village without a permit therefore from the Building Inspector.
- (2) **APPLICATION FEE.** Application shall be made to the Building Inspector and shall specify the location, size, depth and probable duration of the excavation. The Village Board shall establish the amount of the fee for a street excavation permit by resolution from time to time. The fee for the street excavation permit shall be paid to the Village Treasurer at the time the application for the permit is filed. No permit shall be issued until the fee has been paid, the bond filed, and evidence of insurance furnished as hereinafter required.
- (3) **BOND.**
- (a) Before an excavation permit may be issued hereunder, the applicant must execute and deposit with the Village Clerk an indemnity bond, approved by the Village President, in the sum of \$5,000, conditioned that he will indemnify and save harmless the Village and its employees from all liability for accidents and damage caused by any of the work covered by his permit, that will fill up and place in good and safe condition all excavations and openings made in the streets, and will replace and restore the pavement over any opening he may take as near as can be to the state and condition required by this section and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Building Inspector for one year, and that he will pay all fines imposed upon him for any violation of any rule, regulation or ordinance governing street openings or drain-laying adopted by the Village Board, and will repair any damage done existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. Such bond shall also guarantee that if the Village shall elect to make the street repair, the person opening the street shall pay all costs of making such repair and of maintaining the same for one year.

- (b) Recovery of such bond for any accident, injury, violation of law, ordinance, rules or regulations shall not exhaust the bond, but it shall cover any and all accidents, injuries or violations during the excavation.
- (c) An annual bond may be given under this section covering all excavation work done by the principal for one year beginning January 1, which shall be conditioned as specified in sub. (3)(a) and in the amount determined by the Village Board as necessary to adequately protect the public and the Village.

- (4) **INSURANCE.** Prior to commencement of excavation work, a permittee must furnish the Village Clerk satisfactory written evidence that he has in force and will maintain during the life of the permit and the excavation, public liability insurance of not less than \$100,000 for one person , \$300,000 for one accident and property damage insurance of not less than \$50,000.

(5) **REGULATIONS GOVERNING STREET AND SIDEWALK OPENING.**

- (a) Frozen Ground. No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary, as determined by the Board of Public Works.
- (b) Removal of Paving. In opening any street or other public way, all paving or ballasting materials shall be removed with the least possible loss or injury to resurfacing material and together with the excavated material from trenches shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (c) Protection of Public. Every permittee shall enclose with sufficient barriers each opening which he may make in the street or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being use by the permittee, his agents, or employees. Red lights or torch lamps shall be kept burning from sunset to sunrise, one red light or torch lamp to be placed at each end of the opening in any street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Building Inspector, no trench shall be excavated more than 250 feet in advance of pipe laying nor 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 work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village 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 precaution against injury or damage to persons, vehicles or property.

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- (d) Replacing Street Surface. In opening any street or sidewalk, the paving materials, sand, gravel and earth or other material moved or penetrated, and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition and/or position. Any excavated material which the Building Inspector determines to be unsuitable for refilling shall be replaced with approved backfill material. All excess material and debris shall



be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for one year. In refilling the opening, the earth must be puddle or laid in layers not more than 6 inches in depth and each layer rammed, tamped or flushed to prevent after-settling. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall

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be left in any trench. The Village may elect to have the Village make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening.

- (e) Paved Street. When any excavation is made in a permanently paved road or street or in any road or street which at any time is to be permanently paved, all clay or hard pan must be removed and the excavation entirely backfilled with sand or gravel thoroughly wet and consolidated or tamped in 6 inch layers. The general rules and regulations on tunnel, caisson and trench construction as issued by the Department of Industry, labor and Human Relations are hereby adopted by reference and shall govern such construction.
  - (f) Closing of Excavation. When excavations are made hereunder, the excavation shall not be left longer than the necessities of the work demand, and in no event longer than 15 days unless authorized by the Village Board.
  - (g) Alteration of Sewer or Water Lines. (Cr. #83)  
No person shall make any connection to or repairs or alterations of any sewer line or water line or any pipe connected to the sewer system or water lines within the Village streets without obtaining a permit therefore from the Building Inspector.
  - (h) Method of Repair or Alteration. (Cr. #83) All such repairs, connections or alterations of sewers or water lines shall be made as required by par. (b) and (c) or other applicable sections of Ch. 13 of this Code, particularly §13.02(28), (29) and (30).
  - (i) Permit to Repair or Alter Sewer or Water Lines. (Cr. #83)  
Before any connection, repair or alteration of such sewer line or water lines are made, an application shall be made to the Building Inspector and a fee of \$10.00 paid for each connection or repair, which fee shall be in addition to the fee required for street openings. Approval of the permit shall be made by authorized personnel under the supervision of the Building Inspector, at the expense of the applicant.
- (6) **PERMIT DOES NOT GRANT OCCUPANCY PRIVILEGE.** No permit for an excavation granted hereunder shall convey or grant any privilege to occupy the space within or below any street or sidewalk, or any utility, vault, pipe, drain or any other thing.
- (7) **EXCAVATION IN NEW STREETS LIMITED.** Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than 30 days before the work of improvement

or repaving shall begin. Immediately after such determination by the Village Board, the Village Clerk shall notify in writing each person, utility, Village department or other agency owning or controlling any sewer, water main, conduit or other utility in or under the street or any real property abutting such street, that all such work in such street must be completed within such time as the Village

Board shall direct. After such permanent improvement or repaving, no permit shall be issued to open, cut or excavate such street for 5 years after the date of improvement or repaving unless the Village board determines an emergency to exist, making it absolutely essential that a permit be issued.

- (8) EMERGENCY EXCAVATIONS AUTHORIZED. In an emergency, any person owning or controlling any sewer, water main, conduit or utility in or under the street, or his agents or employees, may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit; provided such person shall apply for an application permit not later than the end of the next succeeding business day and shall not make any permanent repairs without first obtaining an excavation permit hereunder.

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- (9) VILLAGE WORK INCLUDED. This section shall not apply to excavation work under the direction of the Village Board or by the Village employees acting under the supervision of the Village Board.

#### **8.05 OBSTRUCTIONS AND ENCROACHMENTS.**

- (1) OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED. No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in sub. (2)
- (2) EXCEPTIONS. The prohibition of sub. (1) shall not apply to the following:
- (a) Signs and clocks attached to buildings which project not more than 6 feet from the face of the building and which do not extend below any point 10 feet above the sidewalk, street or alley.
  - b) Awnings which do not extend below any point 7 feet above the sidewalk, street or alley.
  - (c) Public Utility encroachments authorized by the Village
  - (d) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than 3 hours.

- (e) Building materials when placed upon the street, alley or sidewalk upon conditions prescribed by the Roads and Streets Committee. The Committee may require such materials to be protected by barricades or appropriate lights.

**8.06 MOVING BUILDINGS.**

- (1) PERMIT REQUIRED. No person shall move any building within the Village without a permit from the Village Clerk, upon 30 days' notice, designating the streets and alleys along which the building is sought to be moved. Such permit shall state the date upon which the work is to commence in moving the building, a description of the building and its location, the place to which the building is sought to be moved, the name of the owner of such building, the name of the person who is performing the work, and the name of the streets and alleys along which the building may be moved.

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- (2) NOTICE TO UTILITIES. Upon receipt of the notice under sub. (1), the Village Clerk shall immediately notify any public utility whose lines or poles may be interfered with of the application. Such utility shall take whatever steps are necessary to permit the building to be moved without damage to its lines and poles.
- (3) DEPOSIT REQUIRED. The applicant shall at the time of application deposit with the Village Clerk \$500 to cover the costs to the utilities of whatever work is necessary to permit moving of the building and damages to property resulting from such moving. Upon completion of the moving, an authorized person under the supervision of the Roads and Streets Committee shall inspect the route and report to the Village Clerk any damages and the estimated amount thereof caused the streets and any public or private property. Upon payment of the utilities' expenses and settlement of all damages claims, the Village Clerk shall release the balance of the deposit remaining. The applicant shall be liable for any costs and damages exceeding the deposit.

**8.07 SNOW AND ICE REMOVAL.**

- (1) SIDEWALKS TO BE KEPT CLEAR. The owner or occupant of any lot or parcel shall be promptly each day remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of such lot or parcel; provided, when ice has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. If the owner or occupant fails to comply with this subsection, the Roads and Streets Committee shall cause the snow or ice to be removed or sprinkled as required in this section and the cost thereof assessed against the property as a special tax.
- (2) SNOW NOT TO BE DEPOSITED IN STREETS. No person shall cause to be deposited snow from his premises on the sidewalk abutting thereon onto any

street intersection in the Village without a permit from the Roads and Streets Committee, which may require to be paid a fee sufficient to reimburse the Village for the cost of the removal of such snow.

**8.08 STREET TREES.**

(1) DEFINITIONS.

- a. Public Way or Right-of-Way. All public ways and thoroughfares and bridges, including but not limited to streets and sidewalks, for the entire width designated or established to the use of the public as a matter of right, regardless of whether such rights exist by dedication, or by conveyance in fee, by prescription or by easement, within the jurisdiction of the Village.
- b. Shrub. Any woody vegetation or woody plant having multiple stems and bearing foliage from the ground level up. Also including any plant that grows, or is expected to grow, to a height of more than 2 feet and is not a tree.
- c. Tree. Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level that grows to is expected to grow to a height of 16 feet or more.

(2) PLANTING. No person shall plant any tree, shrub, or plant in the right-of-way without a permit from the Park Board, which shall for the purposes of this section have the powers and duties of a Village Forester under §27.09, Wis. Stats.

(3) MAINTENANCE. The Park Board shall exercise all powers and duties provided by §27.09, Wis. Stats., and such further powers as may be delegated to it by the Village Board. The Village has the right to prune or remove trees, shrubs or any other vegetation in the right-of way, whether planted by the Village, an abutting private property owner or those which have existed in a natural state since the development of the property.

(4) OBSTRUCTING PUBLIC WORKS PROHIBITED. No person shall prevent, delay or interfere with Village employees or agents of the Village in the planting, pruning, spraying or removing of any trees or shrubs living or dead, in any public way.

(5) LAWNS AND PLANTS. Property owners abutting public right-of-way shall maintain the area between their property and the travelled portion of the right-of-way in grass lawn or other plantings such that the plantings do not interfere with the public use. No such plantings shall include trees or other shrubs unless prior approval for the plantings is granted by the Park Board. The Village reserves the right to trim or remove any such vegetation in the right-of0way at any time, without prior notice, in the Village's sole discretion.



**8.09 UNIFORM SYSTEM OF NUMBERING HOUSES AND BUILDINGS.** (Cr. #41)

- (1) ESTABLISHMENTS. The Village shall use a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Village, and all houses and buildings shall be numbered in accordance with this section.
- (2) BASE LINES. The railroad tracks constitute the base line for the numbering along all streets running north and south, and Main Street shall constitute the base line for the numbering all streets running east and west.
- (3) NUMBERING.
  - (a) The numbering for each street shall begin at the base line. The numbers in the first block shall be from 10 to 99, the second block shall be 100 to 199, the third block 200 to 299, etc. There shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other, and one number shall be assigned to each 20 feet of frontage. In blocks or equivalent space longer than 1,000 feet which is not intersected by a street, the total length of space divided by 50 shall be used to determine the feet of frontage to be assigned each number.
  - (b) All lots and houses on the south and west side of all streets shall be numbered with odd numbers, and all lots and houses of the north and east side of the streets shall be numbered with even numbers, each commencing with the hundred assigned to that block and shall increase from the base line, one number for each 20 feet of frontage or fraction thereof, except as provided in par. (a). Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant, provided the building is 20 feet, or more in width. If the building is not 20 feet or more in width, and the entrances are not that far apart, the next consecutive number shall be marked fractional. Building fronting on 2 or more streets shall have a number fronting on the main entrance, unless other entrances serve other occupants.

PUBLIC WORKS 8.09(3)(c)

- (c) All streets not extending through to the base line, shall be assigned the same relative numbers as if such street had extended to such base line.
  - (4) (a) SURVEY. The Village Board has caused a survey to be made and there is assigned to each house and building located on any street, alley, highway or avenue in the Village its respective number under the uniform system provided for in this section. Each owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number assigned under the uniform system provided for in this section.
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- (b) Cost of Numbers. (Am. #282) House, structure and building numbers and holders shall be paid for by the party applying for such number or numbers at the cost established by resolution of the Village Board from time-to-time and such numbers and holders shall be obtained from the Village.
  - (c) Placement of Numbers. The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be plainly seen from the street. Whenever any building is situated more than 50 feet from the street line, the number of such building shall be conspicuously displayed in an appropriate place so as to be easily seen from the sidewalk.
  - (d) Assignment of New Addresses. (Cr#282) Whenever it appears that an existing house, building or structure is not numbered in accordance with this §8.09, the Village Clerk shall assign a new address that complies with this §8.09 and inform the owner of the newly assigned number of the duty to comply with the terms of this section.
- (5) DISTINCTIVE NUMBERS. Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building, who shall desire distinctive numbers for the upper and lower portion of any such house or building, or for any part of such house or building fronting on any street, may use the suffix "A", "B", "C", etc. as may be required.
  - (6) NUMBERING MAP. For the purpose of facilitating correct numbering, a map, showing the proper number of all lots or houses fronting upon all streets, avenues, or highways, shall be kept on file in the office of the Village Clerk. This map shall be open to inspection by all persons during the office hours of the Clerk.

- (7) DUTY OF THE CLERK. The Village Clerk shall inform any party applying therefore, of the number of numbers belonging to or embraced within the limits of such lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any lot or building, the Clerk shall determine the number of such lot or building.

- (8) DUTY OF OWNER. (Am. #282) The owner of any house, building or structure now existing or hereafter erected or located in the Village shall properly procure and display the number so assigned to such house, building, or structure as provided by this section. The numbers that are installed pursuant to this section must be identical to the uniform numbers that have been approved by the Village Board as required by this section, and therefore new and replacement numbers and holders must be obtained from the Village of Dousman Village Clerk as described herein.

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- Any owner failing to comply with the requirements of this section shall be subject to a penalty as provided in subsection (10) of this section. In addition, no building permit shall be issued for any house, building or structure until the owner has procured from the Village Clerk the official number of the premises.
- (9) ENFORCEMENT. All police officers of the Village shall enforce the provisions of this section and shall report any violation thereof.
- (10) PENALTY. If the owner or occupant of any building required to be numbered by this section shall neglect for more than 30 days to duly attach and maintain the proper number of such building, the Village Clerk shall cause to be served upon him the notice requiring such owner or occupant to properly number the same, and if he neglects to do so for 10 days after the service of such notice, he shall be deemed to have violated this section and shall be subject to a forfeiture as provided in §25.04 of this Municipal Code. Each day that a violation continues to exist shall constitute a separate offense.

**8.10 RESPONSIBILITY FOR HEAVY EQUIPMENT DAMAGES.** (Cr. 11/19/80)

- (1) PROPERTY OWNER OR CONTRACTOR RESPONSIBLE. Any property owner having construction performed on his property or any contractor performing any type of construction within the Village where heavy equipment will be placed upon the Village streets, culverts, ditches, sidewalks, drainage easements or any other public property shall be responsible for any damages done to the public property.
- (2) CASH BOND REQUIRED. Any person making application for home construction where heavy equipment will be utilized or any construction company commencing any type of construction within the Village shall, before proceeding with the work, post with the Village Treasurer a cash bond to cover any expenses incurred by the Village in repairing any damages done to the streets, ditches, culverts, sidewalks or any other public property or for the cleaning and repairing of the same. The bond for residential construction shall

be \$500. The bond for commercial, industrial, utility or any other construction shall be \$800.

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- (3) **TERM OF BOND.** Such bond will remain with the Village Treasurer until 6 months have elapsed following proof by the applicant that all construction utilizing heavy equipment has been completed. Before such bond can be released, the Building Inspector and the Department of Public Works Superintendent shall inspect the public property involved with the construction and shall determine whether or not any damage exists requiring repair. If the Building Inspector or Highway Superintendent determines that the Village has no further need for the cash bond, he may then authorize the Village Treasurer to return the applicant any balance remaining of such cash bond.

(4) **BOND TO BE USED FOR STATED PURPOSE.** The Village Board may, without notice to the applicant, use the cash bond in part or in whole for the repair of any damage to public property if that damage is related to the applicant's project.

(5) **REPAIRS TO BE MADE BY VILLAGE.** All cleaning and repairs necessary under this section will be performed by the Village directly. If any repairs or cleaning have to be done by persons other than the Village employees, the Village will first give the private owner or person responsible written notice of the repairs required to be made under this section and of the requirement that the owner or person responsible agrees to make such repairs. The person responsible must agree in writing to make such repairs and accomplish the same within 2 weeks. If the owner or person responsible does not respond within 5 days, the Village can then proceed to have the repairs made at the best price obtainable and the amount of such repair shall be deducted from the bond posted by the owner or person posting. The Village Clerk shall certify, after discussion with the Highway Committee, the amount chargeable to such bond for all repairs made by the Village. That amount will be taken from the bond and applied to the general Village fund.  
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(6) **PENALTY.** Any person violating the terms of this section shall be subject to the penalty contained in Ch. 25 of this Municipal Code.

## **8.11 PRIVATE USE OF VILLAGE PARK FACILITIES AND/OR GROUNDS.** (Cr. #254)

Individuals and nonprofit organizations may use the Village park facilities and/or grounds for private purposes (private use) in full compliance with all of the following conditions:

- (1) Private use is available only for nonprofit organizations and individuals.
- (2) Private users must enter an approved Private Use Agreement with the Village and abide by all the terms thereof. Among other requirements, the Private Use Agreement shall include indemnification of the Village, and the Village Board may require that insurance be provided to protect the Village.

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- (3) The responsibility party who enters the Private Use Agreement must be a Village of Dousman Resident, or a Town of Ottawa resident, or a Town of Summit resident, and the responsible party must be present at all times throughout the private use, unless in the case of an emergency. In case of an emergency, the Village Department of Public Works Director, at his/her sole discretion, can authorize another Village of Dousman, Town of Ottawa, or Town of Summit resident to be responsible party, provided that such other resident accepts the responsibilities of the same and agrees to be present at all times throughout the private use; however if the results in a Town of Ottawa or Town of Summit resident becoming the responsible party for an event reserved by a Village resident, the difference between the fee and deposit paid and that applies to nonresidents shall be paid to the Village.
  - (4) Village park facilities and grounds available for private use are limited to the park shelter and/or grounds within the park that must be clearly described in the application.
  - (5) Village park facilities for private use shall be available on a "first come, first serve" basis, with reservations for any calendar year first accepted at 8:30am in the first working day in January.
  - (6) No commercial uses are permitted unless conducted for the benefit of a nonprofit entity and the nonprofit entity is the private user.
  - (7) Village functions will take priority. Private use of the facilities and/or grounds shall not be the exclusion of Village uses. Village officials and employees may enter the premises at any time, even during the private use, for any purpose.
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- (8) Private use of the facilities and/or grounds by any private party shall be limited to no more than 20 days in any 12-month period. Similarly, Private use of the facilities by or on behalf of any organization shall be limited to no more than 20 days in any 12-month period.
  - (9) Reservations for private use of the Village park facilities and/or grounds shall be made with the Village Clerk by executing the approved Private Use Agreement, and paying the fee and security deposit in advance. The reservation shall not be confirmed until the Private Use Agreement is approved by the Village Board.

PUBLIC WORKS 8.11(10)

- (10) The amount of the reservation and security deposit shall be set from time to time by separate resolution of the Village Board. In such resolution, the Village Board may establish different fee and deposit amounts for different portions of the park requested, and for the following classes of private users: residents; nonresidents; nonprofit youth organizations that have adult supervision (such as Boy Scouts, 4-H Clubs, Sunday School groups, school picnics, Pioneers, etc.); the Dousman Frogs, Land-O-Lakes League; and all other organizations. The security deposit will be held to cover damage and improper care, and necessary cleaning, if any. Any portion of the deposit that remains after all of the Village's costs to fully correct any such damage and cleaning are deducted shall be returned to the User as authorized by the Village Department of Public Works Director. The User shall reimburse the Village for any costs of repair or cleaning that exceeded the amount of the deposit within 30 days of being invoiced by the Village.
  - (11) In the event the reservation is canceled prior to the event (whether by being withdrawn, or for lack of Plan Commission or Village Board approval), the security deposit shall be refunded. The reservation fee will not be refunded, however, unless the private user withdraws the request for Private Use prior to the request coming from the Village Plan Commission and prior to the request coming before the Village Board.
  - (12) The Village shall not be responsible for anything left, lost, stolen on the premises.
  - (13) Private use of the Village park facilities is subject to all of the rules, regulations, resolutions and ordinances of the Village of Dousman, and upon strict compliance with the terms of the Village Private Use Agreement.
  - (14) The Village Department of Public Works Director is authorized to refuse facility usage when, based on past use, that experience or usage has been unfavorable as determined by the Village Department of Public Works Director.
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- (15) The private use shall not involve any activity requiring a license by §12.10 of this Municipal Code, regarding adult-oriented establishments.
  - (16) There shall be no alcohol associated with the private use, unless specific approval for alcohol is granted by the Village Board and all necessary licenses and permits have been issued, and further provided that any conditions imposed upon the issuance of any such license or permit or approval shall be forwarded.
  - (17) The private user shall reimburse the Village of Dousman for any costs the Village of Dousman incurs related to the private use activity, including, but not limited to, the costs that the Village of Dousman may incur in providing police protection or security in excess of the personnel ordinarily on duty during the time of use; and the cost of



cleaning up or repairing the park facilities and/or grounds following the private use activity.

- (18) The private use shall comply with §17.52(3) of the Village of Dousman Municipal Code by obtaining a special permit from the Village Board prior to the private use activity.
- (19) The private use shall comply with §17.60(5)(g) of the Village of Dousman Municipal Code by obtaining Plan Commission approval of a detailed site plan, architectural plan and plan of operations prior to the private use activity.

**8.12 DOGS IN PARK PROHIBITED.** (Cr#265)

- (1) No person who owns, harbors or keeps a dog, or has a dog under his control, shall bring it into or allow it to remain in any park within the Village at any time.
- (2) The prohibition shall not apply to registered Seeing Eye dogs when accompanied by their owners.
- (3) The prohibition of dogs in parks shall not apply to the use of posted dog exercise areas pursuant to §8.13 of the Municipal Code; provided, however, that the use thereof is during permitted hours and is in conformance with the rules and regulations established by the Public Works Department of the use of such facilities.

**8.13 DOG EXERCISE AREAS.** (Cr. #265)

There is hereby established a dog exercise area in the Village Park.

- (1) PURPOSE. The purpose of a dog exercise area is to provide an area where owners may exercise their dogs without interfering with residents of the Village.

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- (2) REGULATIONS. The operation and maintenance of dog exercise area shall be under the control of the Public Works Department.
- (3) LOCATION. Site for dog exercise area shall be North of the driveway behind the Village Hall and shall have signs stating, "Designated Dog Area".
- (4) ADDITIONAL RULES AND REGULATIONS. In addition to the rules and regulations that will be imposed by the Public Works Department, the following is required of dog owners or custodians for use of dog exercise area(s):
  - (a) The dog shall be licensed and must wear a rabies vaccination tag, an owner identification tag, and a license tag.
  - (b) The person exercising a dog must remove and dispose of feces before leaving the exercise area.

PUBLIC WORKS 8.13(4)(c)

- (c) All dogs within the dog exercise area must be on a leash and accompanied by and under control of the owner or keeper of the dog. No owner or person in control in control or having custody of a dog shall allow the same to run at large.

**8.20 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 §25.05 of this Municipal Code.

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