

**CHAPTER 7**  
**Streets and Sidewalks**  
**Table of Contents**

7.01.000	OFFICIAL MAP
7.01.010	Establishment
7.01.020	Plat Approval
7.01.030	Permits
7.01.040	Changes and Amendments
7.01.050	Registration
7.02.000	ESTABLISHING WIDTH AND GRADE OF ROADWAYS AND SIDEWALKS
7.03.000	PLANS AND SPECIFICATIONS FOR IMPROVEMENTS
7.04.000	CURB AND GUTTER
7.04.010	Determination of Council
7.04.020	Cost Assessed to Abutting Property
7.04.030	Permit Required
7.04.040	Specifications
7.05.000	STREET INTERSECTIONS
7.06.000	CONSTRUCTION OF SIDEWALKS
7.06.010	Construction
7.06.020	Plans and Specifications
7.06.030	Permit Required
7.07.000	CONSTRUCTION AND REPAIR OF SIDEWALKS
7.07.010	Order
7.07.020	Notice
7.07.030	Default of Owner
7.07.040	Minor Repairs
7.07.050	Expense
7.07.060	Installment Payment
7.08.000	DEFECTS IN STREETS AND SIDEWALKS
7.09.000	SNOW AND ICE REMOVAL
7.09.010	Snow and Ice to be Removed
7.09.020	Depositing of Snow and Ice Restricted
7.09.030	Violations; Liability Therefore

7.10.000	EXCAVATIONS OR OBSTRUCTIONS
7.10.010	Permit Required
7.10.020	Permit, How Secured, Bond
7.10.030	Issuance of Permit
7.10.040	Warning Signs Required
7.10.050	Bridges and Platforms Over Gutters
7.11.010	ENCROACHMENTS
7.11.010	Right-of-Way Use License
7.12.000	AWNINGS
7.13.000	SIGNS
7.14.000	PROJECTIONS OVER SIDEWALK
7.15.000	SIDEWALK TO BE KEPT SAFE
7.16.000	PUBLIC TO BE PROTECTED
7.17.000	USE OF STREETS, SIDEWALKS AND OTHER PUBLIC GROUNDS
7.17.010	In General
7.17.020	Block Parties in Residential Areas
7.18.000	CROSSINGS: OBSTRUCTION BY TRAINS
7.19.000	GASOLINE SERVICE STATIONS
7.20.000	STREET TREES
7.20.010	Permit Required for Planting, Etc.
7.20.020	Trees Furnished by City
7.20.030	Trees That May Be Planted and Maintained Between Trees
7.20.040	Trimming Trees
7.20.050	Destruction of Flowers, Flower Beds, Etc.
7.20.060	Hazardous and Infected Trees
7.20.070	Interference with City Engineer's Orders
7.21.000	DUTCH ELM DISEASE CONTROL
7.21.010	Purpose
7.21.020	Entry of Premises
7.21.030	Destroying Diseased Tree
7.21.040	Elm Wood-Treating or Destroying
7.21.050	Destroying Diseased Wood

7.21.060	Spraying Trees
7.21.070	Removing Dead Wood From Trees
7.22.000	PUBLIC CONSTRUCTION
7.30.000	PENALTY

## **CHAPTER 7**

### **Streets and Sidewalks**

#### **7.01.000 OFFICIAL MAP.**

**7.01.010 Establishment.** There is hereby established an Official Map of the City of Port Washington, showing the location and width of streets, highways and parkways as laid out, adopted and established. Such Official Map consists of two sheets: Sheet 1 (Street Development Plan), showing the location and width of streets within the City limits and adjacent thereto; and Sheet 2 of 2 (Street Extension Plan), showing the location and width of the extension of the major street system of the City into the adjacent unincorporated area over which the city can exercise extraterritorial jurisdiction in accordance with section 62.23 (6), Wisconsin Statutes.

**7.01.020 Plat Approval.** No land subdivision plat shall be approved unless such plat conforms to the Official Map.

**7.01.030 Permits.** For the purpose of conserving the integrity of the Official Map, no building shall be erected or located within the bed of any street, highway or parkway shown on the Official Map unless a permit therefor shall first have been applied for and issued in accordance with section 62.23 (6) (d), (e), (f) and (g), Wisconsin Statutes. The applicant for such permit shall submit to the Building Inspector, with his application, an accurate plot plan, certified by a qualified surveyor, showing the location of the proposed building with reference to any street, highway or parkway shown on the Official Map.

**7.01.040 Changes and Amendments.** The Common Council may, whenever and as often as it may deem it for the public interest, and after a public hearing as provided in section 62.23 (6) (b), Wisconsin Statutes, a change or add to the Official Map of the City so as to establish the exterior lines of planned new streets, highways and parkways or to widen, extend or close existing streets, highways or parkways.

**7.01.050 Registration.** The City Clerk shall file with the Register of Deeds of Ozaukee County, a certificate showing that the City of Port Washington has established an Official Map and shall do likewise as to any changes or additions.

**7.02.000 ESTABLISHING WIDTH AND GRADE OF ROADWAYS AND SIDEWALKS.** The Common Council may change the width of the sidewalk along any street or portion of any street, and may also change the grade of any sidewalk by raising the same above or lowering the same below the established grade of the respective streets along which they may be located, and the Common Council may establish the width of roadways along any street or portion of any street.

**7.03.000 PLANS AND SPECIFICATIONS FOR IMPROVEMENTS.** Whenever any street or sidewalk, or any portion thereof, shall have been ordered paved, constructed or improved, the Board of Public Works shall prepare plans and specifications, profiles and cross-sections of the roadway and sidewalk in said streets or portions of said streets, together with the diagram or diagrams of the same, and submit those plans, specifications and diagrams, to the Common Council for approval or correction, and when such plans, specifications and diagrams shall have been so approved or corrected, they shall be filed with the City Clerk and when so filed, all such improvements aforesaid shall conform with such plans and specifications.

**7.04.000 CURB AND GUTTER.**

**7.04.010 Determination of Council.** Where the Subdivision Control Code does not apply, the Common Council may determine that curb and gutter be laid, rebuilt, repaired, or constructed along or upon any public street or highway within the City.

**7.04.020 Cost Assessed to Abutting Property.** The cost of any such curb and gutter improvement shall be borne in full by the abutting property owner and shall be assessed under section 66.60, Wisconsin Statutes. Notice of such charge shall be given as required in section 66.60 (16) Wisconsin Statutes.

**7.04.030 Permit Required.** No person shall lay, remove, replace or repair any curb and gutter within the City unless he is under contract with the City to do such work, or has obtained a permit therefor from the City Engineer at least 10 days before work is proposed to be undertaken.

**7.04.040 Specifications.** All curb and gutter within the City shall be repaired, rebuilt and constructed in accordance with the specifications on file with the City Engineer.

**7.05.000 STREET INTERSECTIONS.** The improvement of all street intersections shall be paid by the City.

**7.06.000 CONSTRUCTION OF SIDEWALKS.**

**7.06.010 Construction.** The grade and materials of all sidewalks hereafter constructed or re-laid shall, at the curb thereof, be at the established grade at the center of the street, unless otherwise specifically provided, and the grade thereof shall rise to the property line ½ inch in each foot.

**7.06.020 Plans and Specifications.** All sidewalks constructed or re-laid shall be done according to plans and specifications of the City Engineer on file with the Board of Public Works.

**7.06.030 Permit Required.** Any person installing new sidewalks or replacing or repairing old sidewalks shall first make application to the City Engineer for a permit. The application shall contain such information as the Engineer may require. The City Engineer shall grant a permit when the applicant complies with all ordinances and rules relating to sidewalk location and construction. Before such permit may be issued, the applicant shall pay the permit fee prescribed in sec. 15.12.000 of this Municipal code, as amended from time to time. However, no permit fee shall be required of any property owner who installs, replaces or repairs sidewalks using the property owner's own labor and equipment, or by means of a contractor engaged by the property owner to install or repair such sidewalks.

### **7.07.000 CONSTRUCTION AND REPAIR OF SIDEWALKS.**

**7.07.010 Order.** Pursuant to section 66.615, Wisconsin Statutes, the Board of Public Works may order any sidewalk which is unsafe, defective or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Council.

**7.07.020 Notice.** A copy of such order directing such laying, removal, replacement or repair shall be served upon the owner of the lot in front of which such work shall have been ordered by personal service, or if such owner or his agent cannot be found, by publication in the official newspaper.

**7.07.030 Default of Owner.** Whenever the owner of property affected shall neglect for a period of twenty (20) days after notice of such order to lay, remove, replace or repair any such sidewalk, the City may cause such work to be done at the expense of the property owner, except that the City shall be responsible for its share of the expenses, if any, as set out in Section 7.07.050.

**7.07.040 Minor Repairs.** When the cost of repairs of any sidewalk in front of any lot or parcel of land shall not exceed \$50.00, the Board of Public Works may order the Street Commissioner to make immediate repairs to such sidewalk, without notice, and charge the cost thereof to the owner of such lot or parcel of land; except that if the sidewalk to be repaired would be at the expense of the City under Section 7.07.050, the City shall pay said repairs and not charge the same thereof to the owner.

**7.07.050 Expense.** The Board of Public shall keep an accurate account of the expense of laying, removing and repairing sidewalks as to each lot or parcel of land and report the same to the City Clerk. In the case of a lot or parcel of land which is used solely for residential purposes and which has sidewalk on more than one side of the lot, the owner of the lot or parcel of land shall be responsible for the expense of the sidewalk on the side having the most length of sidewalk, and for one-half the expense of the balance of the sidewalk; and the City shall be responsible for the remaining expense of the sidewalk. The City Clerk shall enter the amount of the owner's expense in the tax roll as a special tax against that lot or parcel of land, and the same shall be collected in all respects as are other taxes upon real estate.

**7.07.060 Installment Payment.** If the amount of the owner's expense exceeds \$200.00, at the option of the owner of the lot or parcel of land, upon written notice to the City Clerk, such charges may be paid over a five (5) year period, with interest on the unpaid principal to be calculated at the lesser of the following: 6% per annum; or an annual percentage rate equal to the interest rate charged to the City on the City's most recent borrowing for general obligation purposes as of the date of the adoption of the special assessment resolution.

**7.08.000 DEFECTS IN STREETS AND SIDEWALKS.** The Street Commissioner shall cause frequent inspections to be made of all the streets, sidewalks, curb and gutter, pavements, bridges and other public ways in all parts of the City, and whenever he shall find any defect or want of repairs therein, he shall report the same to the Board of Public Works at its next regular or special meeting, provided, however, that when in his opinion the street, sidewalk, curb and gutter, pavement, bridge or public way is dangerous to public travel, he shall make the repair immediately without reporting to the Board of Public Works. The cost of repairs made hereunder shall be paid out of the general fund except that the cost of repair of curb and gutter shall be assessed under Section 7.04 and the cost of repair of sidewalks shall be assessed under Section 7.07.

**7.09.000 SNOW AND ICE REMOVAL.**

**7.09.010 Snow and Ice to be Removed.** A. Every person in charge or control of any building or lot of land fronting or abutting City right-of-way in which a paved sidewalk has been constructed, whether as owner, tenant, occupant or otherwise, shall remove and clear away, or caused to be removed and cleared away, snow and ice from such sidewalk as is in front of or abuts said building or lot or land within 24 hours of the cessation of any fall of snow, sleet or freezing rain.

B. In the event snow and ice on a sidewalk has become so hard that it cannot be removed without likelihood of damage to sidewalk, the person or entity charged with its removal shall, within the time mentioned in subsection (1) hereof, cause enough sand or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause said sidewalk to be thoroughly cleaned.

**7.09.020 Depositing of Snow and Ice Restricted.** No person shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, or loading and unloading areas except that snow and ice may be windrowed on public roadways incident to the cleaning of sidewalks in business districts.

**7.09.030 Violations; Liability Therefor.** A. In the event of the failure of any person to clear away or treat with abrasives and subsequently clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done, the Director of Public Works shall, as soon as practicable after such failure, cause such work to be done.

- B. The Director of Public Works shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this section on account of each act or omission of each person; and he shall identify these persons or entities with particularity.
- C. The Director of Public Works shall cause the cost of work done in accordance with this section to be charged against the land abutting the sidewalk where such work was done as a special assessment and collected in the same manner.

## **7.10.000 EXCAVATING OR OBSTRUCTIONS.**

### **7.10.010 Permit Required.** No person shall without a permit:

1. Excavation Under Streets and Sidewalks. Excavate for and build, or cause to be excavated for and built, a cellar, vault, coal bin or other room under a sidewalk or street.
2. Excavations Near Street Line. Excavate or cause to be excavated a cellar, cistern, well, hole or other depression, on or so near the line of a street, sidewalk, alley or other public ground, within the City as to endanger the public use thereof, or of life or limb of persons passing thereover.
3. Passageways, etc. Excavate for or build, or cause to be excavated for or built, a passageway, trench, drain or sewer within, along or near such street, sidewalk, alley, par, or other public ground.
4. Poles, Signs, etc. Erect, construct, place or maintain, or cause to be erected, constructed, placed or maintained, any telephone, telegraph or electric light pole or poles or any scaffold, platform, bay window, awning or other extension of a building, or any billboard, sign illuminated, signboard or other advertising device, any rope, wire or chain within or over any street, alley, sidewalk, park or other public ground within the City.
5. Stairways. Build any stairway or entrance from a sidewalk or street into a basement or cellar adjoining or within any street, park or other public ground within the City.
6. Openings in Sidewalks. Build or cause to be built or suffer to exist, any area, hole or opening within any sidewalk space.
7. Moving Buildings. Remove or cause to be removed any building upon, within, along, over or across any street, sidewalk, alley, park or other public ground within the City.
8. Building and Repairing Buildings. Build or repair any building next to and adjoining any street or sidewalk whereby material may be placed or work performed within such street or sidewalk.
9. Building Material. Use any street, sidewalk, park, or other public ground for the deposit of building material, or the doing of any work or labor within the same, in the moving, taking down, raising, erection and construction of any building.

10. Removing Payment, Gravel, etc. Break, dig up, remove, or in any way displace or cause to be broken, dug up, removed or in any way displaced, any permanent macadam, gravel or earth within any street, sidewalk, alley, park or other public grounds, which might otherwise be lawfully done.
11. Removing Trees. Remove any trees along any street or sidewalk.

**7.10.020 Permit; Now Secured; Bond.**

**7.10.020** At the time the application for a Street Opening Permit is filed the applicant shall pay the following fees:

\$20.00 permit fee with a Performance Bond of \$2,000 minimum or 100% of the restoration costs whichever is greater.

**7.10.030 Issuance of Permit.** When granted by the Board of Public Works upon the terms and conditions it requires, a permit shall be issued by the City Engineer in duplicate over his signature, stating the date of issue, the name and address of the person to whom issued and the work or purpose for which issued, the time within which the work is to be completed and the date on which the permit will expire, and such terms and conditions as the Board of Council may have fixed. All permits issued shall be subject to review by the Common Council.

**7.10.040 Warning Signs Required.** Every person to whom a permit shall be granted to build, repair, or remove any building, or to use any street or sidewalk for the deposit of building material, shall enclose or cause to be enclosed on all sides, within or exposed to a public street, alley, sidewalk, park or other public place, any obstruction or excavation, by guards, fences, or barriers, at least 3 feet high and at night a red light or lights shall be placed and kept, so as to cast a light on such obstruction, and in case of any excavation, trench, drain sewer, cellar, vault, cistern, well, open area or other opening, a red light shall be placed and kept at each end and as often as every 50 feet along the entire side or length thereof. Any such person shall replace, rebuild, relay or make, or cause to be replaced, rebuilt, relay or made, in all respects as good and safe, substantial and permanent as the same was before, any street, sidewalk, crosswalk, alley, park or other public ground which may have been disturbed or displaced by such excavation, trench or obstruction.

**7.10.050 Bridges and Platforms, Gutters.** A. No bridge or platform over any gutter in any street or alley within the City shall be more than 12 feet in width, nor if plank, less than 2 inches thick resting on and securely nailed to 4 stringers at least 4 inches square and such bridge or platform shall not extend into any street more than 18 inches beyond the sidewalk space of said street, nor obstruct the flow of water in gutters and any such bridge or platform, or any culvert or box, or any obstruction to the flow of water in the gutter may be removed summarily by any authorized person.

B. No bridge, platform or gutter shall be placed on any street or alley, which is improved by pavement, macadam, or gravel or with stone or concrete curbing, without a permit of the Council.

**7.11.000 ENCROACHMENTS.** Except as set forth herein, no person shall encroach upon a street, alley, parkway or sidewalk in the City by placing thereon any boxes, barrels, merchandise, other furniture or fixtures, provided that, any merchant, may occupy that portion in front of his or her place of business within four feet of the curb for such time as may be necessary for receiving and delivering goods, and as otherwise set forth herein.

**7.11.010 Right of Way Use License.** An owner or operator of a business may use the public street right of way only by license issued under the conditions established by the City of Port Washington Plan Commission and with approval of said license by the Common Council. At the time an application for a right of way use license is filed, the applicant shall pay a fee of \$20.00 for said license.

**7.12.000 AWNINGS.** All awnings shall be at least 7 feet at the lowest part thereof above the top of the sidewalk and shall be supported without posts, but by iron brackets or by an iron framework attached firmly to the building so as to leave the sidewalk wholly unobstructed and all awnings obstructing travel on the sidewalks shall be removed within 10 days after notice in writing given by the Building Inspector and personally served on the owner or occupant of the building to which such awning is attached.

**7.13.000 SIGNS.** No person shall place or hang any sign or cause the same to be hung over any sidewalk, without the written permit of the Building Inspector.

**7.14.000 PROJECTIONS OVER SIDEWALK.** No porch, gallery, store, platform, entrance to basement, fire escape, downspout, railing or grating shall be allowed to extend into, upon or over any sidewalk without the written permit of the Council.

**7.15.000 SIDEWALK TO BE KEPT SAFE.** Every person owning any building in the City having any area between the building and sidewalk or extending into the sidewalk shall keep the same covered by a closed iron, or a closed iron and glass cover, laid perfectly even with the surface of the sidewalk, or shall keep the same surrounded on all sides by a sufficient railing or barrier at least 3 feet high, except in cases of stairways leading from the sidewalks to basements which shall have a sufficient railing or barrier at least 3 feet high on 3 sides thereof.

**7.16.000 PUBLIC TO BE PROTECTED.** Every person who shall take up or remove any portion of any sidewalk, or any portion of any street or alley within the City shall take all necessary precautions to guard the public against all accidents therefrom and shall be subject to such rules and regulations for the protection of travel as the Council shall adopt.

## **7.17.000 USE OF STREETS, SIDEWALKS AND OTHER PUBLIC GROUNDS.**

**7.17.010 In General.** No person shall within any street, alley, sidewalk, park or public grounds:

1. ALTER GRADES. Alter any grade thereof.
2. UNATTENDED ANIMALS. Leave any animal unattended or unhitched.
3. DAMAGE STRUCTURES. Damage or destroy any structure.
4. BARRIERS OR BARRICADES. Move, remove, damage or destroy any guard railing, barrier or barricade.
5. VEHICLES ON SIDEWALKS. Push or pull any vehicle, except a vehicle for small children, handicapped persons and wheelchairs.
6. RUBBISH AND GARBAGE. Deposit any ashes, dirt, garbage rubbish or refuse.
7. OPENINGS AND EXCAVATIONS. Leave open any cellar door or grating, or any excavation adjacent thereto.
8. BICYCLES. Ride a bicycle or similar vehicle on a sidewalk.
9. GAMES. Play ball or other games on any street.
10. OBSTRUCTING WATER. Place, or cause to be placed, anything in or over a gutter which obstructs the flow of water therein.
11. MATERIAL INJURIOUS TO VEHICLES. Deposit any broken glass, nails, wire, tacks, or other thing which may be injurious to vehicles.

### **7.17.20 Block Parties in Residential Areas.**

**A. Definitions.** The following words and phrases shall have the meanings indicated, except where the context clearly indicates a different meaning:

**Block party:** a gathering of abutting neighbors and their relatives and friends held within a city street right-of-way or public thoroughfare located within a primarily residential neighborhood, a portion of which street or thoroughfare has been temporarily closed for the occasion.

**B. Closing of Streets and Public Thoroughfares; Application; Permit; Hours; Appeal.** Upon written application by a person whose residence abuts the affected portion of a city street right-of-way or public thoroughfare, the Chief of Police or his designee may grant a permit to close a definite and limited portion of such street or thoroughfare for a block party in a primarily residential neighborhood. An application for such permit shall be filed at least one (1) week before the date of the block party for which a permit is sought, and shall be made on the forms and shall include the information as prescribed by the Chief of Police or his designee. Block parties shall start no earlier than 10:00 a.m. and shall end no later than 10:00 p.m. No such permit shall be granted when:

1. The street, or portion thereof, sought to be closed is part of a federal, state or county trunk highway system or is a major through street, as determined by the Chief of Police or his designee.

2. Such closure will, will be likely or will tend to, cause unreasonable traffic congestion; result in a disturbance of the peace; or endanger the public health, safety or welfare.

Upon denial of an application for a block party permit, an applicant may appeal to the Common Council by the filing of a written notice of appeal with the City Administrator.

### **C. Responsibilities and Restrictions.**

1. Acceptance of a permit required by this section shall make the applicant primarily liable for damages to persons or property because of the closing. The City shall not be liable for any damage caused by the closing
2. It shall be unlawful to hold a block party under circumstances where barricades do not completely block off vehicular traffic from the portion of the street or thoroughfare being closed by authority of the permit.
3. If the street or thoroughfare is barricaded during hours which require vehicles to use headlights, lights and reflectors must be clearly and visibly placed and maintained on the barricades by the permittee, and it shall be unlawful to fail to have such lights or reflectors on the barricades. Barricades, lights and reflectors may be obtained for the permittee's temporary use from the Department of Public Works provided that the permittee shall request the same at least 48 hours in advance of the start of the block party.
4. Music or noise must be kept at a reasonable level so as not to disturb others.

**7.18.000 CROSSINGS; OBSTRUCTIONS BY TRAINS.** No person shall permit or allow any railway train, engine or car to stand or be upon any street, alley or railway crossing to the obstruction of public travel thereon for a greater length of time than 5 minutes without opening said street, alley or crossing for at least 10 minutes.

**7.19.000 GASOLINE SERVICE STATIONS.** No gasoline, oil, water or air pump or line shall hereafter be placed, erected, or constructed on any sidewalk, curb or between any sidewalk and curb in the City.

**7.20.000 STREET TREES.**

**7.20.010 Permit Required For Planting, Etc.** No person shall plant, cut, prune, remove, disturb or interfere with any living tree or shrub in any public street, alley or public place in the City, without the written permission of the City Engineer.

**7.20.020 Trees Furnished By City.** All trees planted between the lot line and the curb line of any street shall be furnished and planted by the City, under the rules and regulations of the Board of Public Works, except that a property owner may, upon obtaining special permission from said Board, plant at his own expense, trees of larger size than the size furnished by the City. The property owner shall replace, at his own expense under the rules and regulations of the Board of Public Works, any tree that dies within a period of 2 years from the date of planting. The property owner shall be responsible for maintenance during this period.

**7.20.030 Trees That May Be Planted And Distance Maintained.** No trees shall be planted in the streets of the City unless the type of the trees and the distances between the trees planted in the streets of the City are of the type and are planted with distances approved by the Board of Public Works and City Engineer.

**7.20.040 Trimming Trees.** The owner or occupant of any lot or parcel of real estate in this City shall upon written notice from the City Engineer forthwith trim and remove so much of the branches of trees thereon, as will give a clear space of 8 feet between the sidewalk and the lowest branch of such trees above such sidewalk and 12 feet above such street a distance of 4 feet from the curb. If such owner or occupant shall fail to cut away and remove the offending branches within 3 days after such notice, the City Engineer shall cause said branches to be cut away and removed and he shall report the cost of doing such work to the City Clerk and such costs shall be a legal charge and lien against such lot or parcel of real estate whereon such trees are standing and shall be entered in the tax roll as a special charge against such real estate and shall be collected in the manner in which taxes against real estate are collected.

**7.20.050 Destruction Of Flowers, Flower Beds, Etc.** No person shall cut, break, tear, deface, or otherwise injure or destroy any grass-plots, flower bed, ornamental or shade tree, shrub or lamp post other than his own upon any sidewalk or in any street, alley or other public place within the City.

**7.20.060 Hazardous And Infected Trees.** A. Any tree or part thereof, whether alive or dead, which the City Engineer shall find to be infected, hazardous, or a nuisance, so as to endanger the public, or other trees, plants or shrubs growing within the City, or to be injurious to sewers, sidewalks, or other public improvements, whether growing upon public or private property, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located.

B. The City Engineer shall give written notice to said owner to remedy the situation which shall be served personally, in the manner of service of circuit court summons, or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken, which shall be within not less than 24 hours, nor more than 14 days from the giving of such notice, as determined by the City Engineer, on the basis of the seriousness of the condition of the tree or danger to the public.

C. If the owner shall fail to remove, treat or trim said tree within the time limited, the City Engineer shall cause the tree to be removed, treated, or trimmed, and shall report the full cost thereof to the City Clerk, who shall thereupon enter such cost as a special charge against the property.

**7.20.070 Interference With City Engineer's Orders.** No person shall delay or interfere with the City Engineer or City employees in the planting, pruning, spraying or removing of trees or shrubs, living or dead, in that part of any street lying between the lot line and the curb line or in the center of side plots of boulevards in the City, or from removing stone, cement, lumber, or other substance placed against a tree or shrub in any public place in said City.

**7.21.000 DUTCH ELM DISEASE CONTROL.**

**7.21.010 Purpose.** Many elm trees are growing on private as well as public property in the City, which trees are threatened with Dutch Elm disease, and the loss of the trees would substantially depreciate the market value of property in the City, and the City is engaged in a program to protect elm trees on public property, and in order to be effective it is necessary that a similar program be carried out on private property; therefore this section is adopted for the purpose of preventing the spread of Dutch Elm disease and the resulting loss of elm trees in order to protect and preserve the market value of property in the City.

**7.21.020 Entry Of Premises.** Every owner and person in possession of any real estate in the City shall permit authorized City employees to enter upon his real estate for the purpose of examining elm trees. If it shall appear to any such employee that an elm tree may be diseased, such employee shall be permitted to take the necessary sample of wood from the tree to have an examination made.

**7.21.030 Destroying Diseased Tree.** If an examination made, as above provided, or made at the instance of the owner of the real estate, discloses that the tree has Dutch Elm disease, the City Council shall give notice to the owner of the real estate, at his last known address, and to the person in possession of the real estate to have such diseased tree cut down and the wood destroyed by burning within 10 days of giving such notice. If the owner or person in possession of such real estate does not cut down the diseased tree and destroy the wood by burning within 10 days after such notice is given, then such tree shall be cut down and the wood destroyed by burning by the City employees on order of the City Council. Accurate record of the expense of such cutting and burning shall be made and a report thereof given to the City Clerk, who shall enter the amount against the respective real estate in the next and subsequent tax roll as a special tax against such real estate, and the same shall be collected in all respects as are other City taxes upon real estate.

**7.21.040 Elm Wood – Treating Or Destroying.** No person shall keep, store, sell, offer for sale, give away or transport any elm tree, elm firewood or elm branch, stump or log into or within the City which is infested with the Dutch Elm disease, or a disease-carrying medium except for the purpose of immediately destroying the same by burning, or if not so infested, without debarking the same and treating it with an approved elm bark beetle destroying concentrate. Every owner and person in possession of real estate in the City shall permit authorized City employees to enter upon his real estate and every residence, garage, woodshed or other structure thereon for the purpose of determining whether or not any elm material, of the type above described, is located on the real estate of any structure thereon. If such employee ascertains that there is any elm material located on such real estate or structure which has not been debarked and applied with an elm bark beetle destroying concentrate, as herein required, the City Council shall notify the owner at his last known address, and the person in possession, to so debark and apply an elm bark beetle destroying concentrate within 10 days from the date of the notice, or in lieu thereof to destroy the elm material by burning.

**7.21.050 Destroying Diseased Wood.** A. Each owner and person in possession of real estate in the City shall permit such employee of the City to take a sample of any such elm material for the purpose of determining whether or not it is infested with Dutch Elm disease, or disease-carrying medium, and if such examination discloses that any such elm material is so infested, the City Council shall give notice to the owner at this last known address, and to the person in possession, to destroy by burning all of such elm material located on such real estate or any structure thereon.

B. If the owner or person in possession does not comply with any notice given, as provided in this section, within 10 days after the same is given, then on order of the City Council, the City employees shall remove all such elm material and burn the same. Accurate account of the expense of removal and burning shall be kept and report made to the City Clerk who shall enter the amount thereof in the next and subsequent tax roll as special tax against such real estate and the same shall be collected in all respects as are other City taxes upon real estate.

**7.21.060 Spraying Trees.** When it has been determined that any elm tree or elm material is infested with Dutch Elm disease, in addition to the removal and burning of the same, as above provided, all elm trees within a radius of 1,000 feet from the source of such disease shall be sprayed with an effective elm bark beetle destroying concentrate. Trees on public property shall be sprayed at the expense of the City. Notice of the necessity of spraying elm trees on private property shall be given by the City Council to the owner of such private real estate at his last known address and to persons in possession, and unless such owner or person in possession has such elm trees sprayed within 10 days of the time of giving such notice, City employees shall spray such trees. Accurate records shall be kept of the cost thereof entered in the next and subsequent tax roll as a special tax against such real estate, and the same shall be collected in all respects as are other City taxes upon real estate.

**7.21.070 Removing Dead Wood From Trees.** Each owner and person in possession of real estate in the City shall cause all dead wood to be removed from every elm tree on his real estate and to be burned. In the event that it appears to any authorized City employee that there is dead wood in any elm tree on private property in the City, the City Council shall cause notice to be given to the owner at his last known address, and the person in possession of such real estate, to remove and burn such dead wood. If such dead wood has not been removed and burned within 10 days after such notice is given, then the City employees shall remove the same and burn it. Accurate records of the cost of removing and burning such dead wood shall be entered in the next and subsequent tax roll as a special tax against such real estate and the same shall be collected in all respects as are other City taxes on real estate.

**7.22.000 PUBLIC CONSTRUCTION.** Any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.

**7.23.000 HOUSE AND BUILDING NUMBERS.**

**7.23.010 Official House And Building Numbering Map.** There is hereby established an official House and Building Numbering Map of the City of Port Washington, providing for numbering of all buildings and houses fronting on all streets, avenues and public ways in the City of Port Washington, and all houses and buildings shall be numbered in accordance with said map.

**7.23.020 Numbers Required.** The owners and occupants of all houses and buildings within the City shall cause to be placed upon said building or house its respective numbers, such numbers assigned as provided herein. 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 seen plainly from the street.

**7.23.030 Enforcement.**

1. If the owner or occupant of any building required to be numbered by this ordinance shall neglect to duly attach or maintain the proper number on such building, the City Police Department shall serve upon the owner or occupant a notice requiring the owner or occupant to properly number the same. If the owner or occupant neglects to do so within fifteen days after service of the notice, he or she shall be deemed to have violated this ordinance.
2. Whenever any house, building or structure shall be constructed in the City it shall be the duty of the owner to procure the correct number or numbers, as designated, from the Building Inspection Department. Proper display of said numbers shall be required before the issuance of a Certificate of Occupancy.

**7.30.000 PENALTY.** Any person who shall violate any provision of this chapter rule, regulation or order adopted hereunder shall be subject to a penalty as provided in section 25.04 of this Code.