

CHAPTER 7 STREETS AND SIDEWALKS

7.01	Street, Sidewalk and Driveway Approach Construction Standards
7.02	Official Map
7.03	Excavations and Openings
7.04	Trees
7.045	Tree and Vegetation Maintenance
7.05	Sidewalk Maintenance
7.055	Snow and Ice Removal
7.06	Uniform Numbering System
7.07	Underground Transmission Lines
7.10	Penalty

7.01 STREET, SIDEWALK AND DRIVEWAY APPROACH CONSTRUCTION STANDARDS

(1) ADOPTION. The minimum requirements for the construction of new public streets, the reconstruction of existing streets and the construction or reconstruction of sidewalks and driveway approaches within the Village shall be as set forth in the Specifications for Street Construction as adopted by the Village Board and on file in the office of the Clerk-Treasurer.

(2) STREET RECONSTRUCTION AND IMPROVEMENT PROGRAM.

(a) Each year the Director of Public Works, in consultation with the Village Engineer, shall review the condition of all public streets within the Village.

(3) FINANCING. All construction or reconstruction work performed in connection with this section shall be paid for as decided by resolution of the Village Board.

7.02 OFFICIAL MAP

(1) The official map as amended for the streets and highways in the Village is hereby adopted as the official map of the Village pursuant to §62.23(6), Wis. Stats. There is also adopted an official zoning map and an official address map for the Village. All three official maps shall be permanently on file at all times in the office of the village clerk.

(2) The Village Clerk is hereby authorized and directed to file with the Register of Deeds a certificate showing that the Village has established such official map, together with a copy of the same.

(3) For the purpose of preserving the integrity of the official map, as amended, no permit shall hereafter be issued for any building in the bed of any street or highway shown or laid out on the map, except as provided in §62.23(6)(d), Wis. Stats. Any person desiring to construct a building in the bed of a street or highway so shown may apply for a building permit and unless such application is made and the permit granted or not denied within 30 days, such person shall not be entitled to compensation for damage to such building in the course of construction of the street or highway.

(4) No public sewer or other municipal street utility or improvement shall be constructed in any street or highway until such street or highway is placed on the official map.

(5) No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been placed on the official map.

(6) The official street and highway map shall additionally show thereon whether a street as designated thereon is publicly or privately owned and such designation shall be conclusive on such question. Any street designated as a private street on such official map shall not receive any maintenance or improvements, including snow removal, at public expense.

(7) The official address map shall control the assignment and use of street names and numbers in the Village. Any attempted use or nonofficial numbers or nonofficial street names shall be unlawful.

7.03 EXCAVATIONS AND OPENINGS

(1) **PERMIT REQUIRED.** No person shall make or cause to be made any construction opening or excavation or any other type of opening in any street, alley, highway, sidewalk or other public way within the Village without first obtaining a permit therefor from the Director of Public Works.

(2) **FEE.** The fee for such permit shall be as set forth on the then current fee schedule approved by the Village Board and shall be paid to the Clerk-Treasurer who shall issue a receipt therefor.

(3) **BOND.**

(a) Before a permit for opening or excavating on any street, sidewalk or public way may be issued, the applicant must deposit with the Director of Public Works a complete set of plans as to what is proposed for the excavation project. In addition, the name of the contractor shall be supplied and a brief description of the entire project as to what is contemplated, the extent involved, etc., shall be provided by the permit applicant. Thereafter, the Director of Public Works shall review and set an appropriate bond amount of not less than \$300 nor more than \$1,000 to insure proper performance of the work in accordance with this chapter and to insure all proper restoration and replacement of Village owned property is properly accomplished.

(b) The condition of the posting of the cash bond is such that the permit applicant will be entitled to the refund of the bond only in the event the applicant will fill up and place in good and safe condition all excavations and openings made in the street and will replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in good condition, normal wear accepted, to the satisfaction of the Director of Public Works and the Village Board for one year following the completion of such project.

Further, a condition of the posting of the cash bond is that the applicant 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 from time to time and will repair any damage done to existing improvements during the progress of the excavation in accordance with the ordinances, rules and regulations of the Village. If the Village shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year and such cost shall be deducted from such bond.

(c) The bond shall not be returned until one year after the closing of the opening and only after written approval of the Director of Public Works.

(4) **REGULATIONS GOVERNING STREET AND SIDEWALK OPENINGS.**

(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 Village Board or in an emergency by the Director 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 of or injury to surfacing material and together with the excavated materials 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 person shall enclose with sufficient barriers each opening which he may make in the streets, sidewalks or public ways of the Village. All machinery and equipment shall be locked or otherwise effectively safeguarded from unauthorized use when not being used by the permittee, his agents or employees. Warning lights or torch lamps are to be placed at each end of the opening in the street or way and other lights sufficient in number and properly spaced to give adequate warning. Except by special permission from the Village Board, no trench shall be excavated more than 250' in advance of pipe laying nor left unfilled more than 50' where pipe has been laid. All necessary precautions shall be taken to guard the public effectually from accidents or damage to persons or property through the period of work.

Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action against it for damages, as well as the 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 of any kind.

(d) Replacing Street Surface. In opening streets or sidewalks, the openings must be saw cut before the surface repair process begins and 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 to their original condition or position and the same location to the remainder as before. Any excavated materials shall be replaced with compacted granular backfill materials. All rubbish shall be immediately removed, leaving the street or sidewalk in perfect repair, the same to be so maintained for a period of one year. In refilling the opening, the earth must be puddled or laid in layers not more than 6" deep and each layer rammed, tamped or flushed to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall 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.

7.04 TREES

(1) TREE COMMISSIONER.

(a) Creation. There is hereby created a position of Tree Commissioner. The position of Tree Commissioner shall be by annual appointment and Board ratification.

(b) Powers and Duties. The Commissioner shall, subject to the supervision and control of the Village Board and except as herein provided, have jurisdiction, direction, authority, control and supervision over all trees, vines, hedges and other plants planted and growing in and upon Village owned property and that part of every street, the grade of which has been established lying between the lot line and the curb; trees, vines, hedges and other plants on any property which may in any way affect public property or the public welfare; and for the planting, care, maintenance, protection and removal thereof. The Commission shall have the authority to make such rules and regulations as it may deem applicable for carrying out the purposes of this section.

(2) TRIMMING OF BRANCHES. Trees standing in and upon any public street or place or upon any lot or land adjacent thereto and having branches projecting into the public street or place shall under the supervision of the Commission be kept trimmed by the owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley will provide a clearance of not less than 14' and over all other public places not less than 10' from the ground.

(3) PLANTING OF TREES. No trees, except the types hereinafter named, shall be planted in or upon any public street or place. They shall be planted only after written permission has been received from the Commission, which permit shall state the name of the applicant, his address, the property on which the trees are to be planted and the type to be planted. No tree shall be planted where the distances between the outer line of the sidewalks and the curb line is less than 5'. The tree shall be planted equidistant between the curb line and the outer line of the sidewalk. The distance between trees shall be 25' and no tree shall be planted at the intersection of 2 or more streets within 12 1/2' of each intersection of the lot lines on any corner lot.

(4) PERMITTED TREES.

(a) The following named trees and no others are recommended to be planted along the streets of the Village, namely: Schwedler Maple (*Acer Platanoides* Schwedler), Norway Maple (*Acer Platanoides*), Sugar Maple (*Acer Saccharum*), Little Leaf Linden (*Tillia Cordata*), Ornamental Pear (*Pyrus Spp.*), Ornamental Crab (*Malus Spp.*), Honey Locust (*Gleditsia Tracanthos*, Skyline Cultivar), European Hornbeem, White Ash (*Fraxemus Americana*), Green Ash Cultivars, Ginko Bicolor and Coffee Tree (*Gymnocladus Dioccus*).

(b) In addition the following trees are also acceptable to be planted in the streets of the Village within the dedicated public right-of-way to include terraces: Red or Scarlet Maple (*Acer Vubrum*), Scarlet Oak (*Quercus Palustria*), Pin Oak (*Quercus Oociner*), Red Oak (*Quercus Vubra*), Swamp White Oak (*Quercus Bicolor*), disease resistant Elm (*Almus*) Cultivars, Hackberry (*Celtis Occidentals*) and American Beech (*Fagus Grandifolia*), providing always, that the Commission shall have the right to allow planting of hybridized species or cultivars of the aforementioned trees. All of the foregoing named trees shall have a diameter of not less than 1 1/4" at a point 3' above the ground when planted.

(5) TREATMENT AND REMOVAL OF DANGEROUS OR INFECTED TREES. Any tree, plant, shrub or part thereof, which the Commission, upon examination, shall find to be infected or hazardous so as to endanger the safety, health or welfare of the public or other tree, plant or shrub, or shall be damaging or likely to damage sewers, curbs, sidewalks or other public premises shall be treated or removed by the owner or by the abutting property owner if such tree, plant, shrub or part thereof is located upon public right-of-way upon which such owner's property abuts. If the owner or abutting owner shall fail to remedy the situation upon receipt of a 14 day written notice, either personal or by publication from the Commission, the Village shall treat or remove such tree or part thereof. The Village official or employee shall keep a strict and accurate record of the labor and cost of treatment or removal of the tree or part thereof and report the same to the Clerk, who shall thereupon enter the cost of such treatment or removal of the tree or part thereof and charge the same against the owner or abutting property owner and the cost thereof shall be entered as a special charge against the property.

Any owner or abutting owner given a notice as provided above may, by a written notice to the Commission, postpone the treatment or removal of the tree or part thereof by the Village and such owner or abutting owner shall have the right to appeal the order in the notice he received at the next regular session of the Village Board. The determination of the Village Board upon appeal of the order in the notice to the owner or abutting property owner shall be final. No damage shall be awarded to any owner or abutting property owner for the destruction of a tree or part thereof under this section.

(6) INTERFERENCE WITH COMMISSION PROHIBITED. No person shall delay or interfere with the Commission or any of the Village employees following lawful directions of the Commission in compliance with orders previously stated.

7.045 TREE REMOVAL

(1) DEFINITIONS.

Building activity area. Upon issuance and for the duration of a Building Permit, the entire minimum area necessary for the construction of a principal structure, permitted accessory structures, driveway, utility installation or subsequent permitted additions to each.

This area shall be defined by the Tree Commissioner at the time of the issuance of the Building Permit and shall be the smallest possible area that permits the construction of the permitted building or improvement.

Replacement tree. A tree of at least 1 1/2" diameter measured at a point on the tree 4' above grade level that is maintained in a healthy condition and survives one year after planting. This tree shall be of a similar or higher quality than the tree it is replacing.

Shoreland area. A strip of land 35' wide inland from Geneva Lake's ordinary high water mark (864.30' MSL elevation) or any navigable stream's ordinary high water mark.

Steep slope area. Any area of the Village where the slope exceeds 12%.

Tree preservation area. The area of a lot not designated as the building activity area where all trees 6" in diameter or larger measured at a point on the tree 4' above grade level shall be preserved.

(2) **PURPOSE.** The intent and purpose of this section is to preserve the Village's character as a natural vegetated and wooded community, to maintain property values by improving and preserving the aesthetic appeal of the Village, to preserve the natural resources of the Village, to reduce the amount of erosion in the Village, to protect the quality of the waters of the State and the Village and to protect and promote the health, safety and welfare of the people by minimizing the amount of sediment and other pollutants carried by run-off to surface waters due to the erosion of land not protected by a naturally vegetated and wooded environment.

(3) VEGETATION REMOVAL PROHIBITED IN SHORELAND OR STEEP SLOPE AREAS.

(a) Vegetation Removal Is Prohibited in the Shoreland Area. Natural shrubbery and all trees shall be preserved in the shoreland area. Where removed as a part of a landscaping plan approved by the Tree Commissioner, they shall be replaced with other vegetation or replacement trees that are equally effective in retarding run-off, preventing erosion and preserving natural beauty. Any shoreland area vegetation removal shall be done during the growing season and shall be stabilized and revegetated or seeded within a two-week period of removal so as to produce a vegetative cover. The written permission of the Tree Commissioner shall be required prior to natural shrubbery and tree removal in the shoreland area.

(b) Vegetation Removal Prohibited in Steep Slope Areas. Vegetation removal is prohibited in the Village where the slope exceeds 12%. As a part of a landscaping plan approved by the Tree Commissioner, vegetation may be removed, but shall be replaced with other vegetation or replacement trees that are equally effective in retarding run-off, preventing erosion and preserving natural beauty. Any steep slope vegetation removal shall be done during the growing season and shall be stabilized and revegetated or seeded within a 2-week period of removal so to produce a vegetative cover. The written permission of the Tree Commissioner shall be required prior to natural shrubbery and tree removal in the steep slope area.

(4) TREE REMOVAL PROHIBITED, EXCEPTIONS AND REPLACEMENT TREES.

(a) Tree Removal in Tree Preservation Area Prohibited. Except for the exceptions enumerated in the following sub. (b), it is prohibited to remove any tree or cause any trees to be removed from the tree preservation area of each lot. During construction, no equipment

movement, construction or placement of equipment or material storage shall be permitted in the tree preservation area.

(b) Exceptions. Under the following conditions, trees may be removed from the tree preservation area after obtaining written permission from the Village Tree Commissioner:

1. Removal of the tree will enhance the tree preservation area, the health of the remaining trees or be consistent with good arboricultural or silvicultural practices.

2. Trees may be removed from a lot where said trees represent a danger to property or the health, safety or welfare of any person, or where said tree is dead, dying, diseased, severely damaged or injured to the extent that it is likely to die or become diseased.

3. Trees may be removed from the building activity area as minimally necessary to undertake any permitted use by right, accessory use or approved conditional use.

(c) Replacement Trees. Whenever possible and when in keeping with good arboricultural or silvicultural practices, replacement trees shall be planted for all removed trees. They may be planted in the tree preservation area or in the building activities area after the initial construction activities are completed. All replacement trees must be planted within 30 days of final grading.

(5) **PUBLIC OR UTILITY EASEMENT TREE TRIMMING.** Tree trimming on public rights-of-way, on public easements or on utility easement corridors in the Village shall be done in accordance with accepted arboricultural and silvicultural practices. Any person intending to conduct tree trimming on public rights-of-way, on public easements or on utility easement corridors must first obtain the written permission of the owner of the trees to be trimmed and the written permission of the Tree Commissioner prior to the commencement of such trimming.

(6) **SOIL COMPACTION AND EARTHEN STOCKPILING PROHIBITED.** It is prohibited to compact soil or stockpile earthen material within the dripline of any tree 6" or larger measured at a point on the tree 4' above grade level.

(7) **MANAGEMENT AND CARE OF REMOVED TREES OR TREE BRANCHES.**

(a) Removal. All trees and tree branches removed or trimmed pursuant to this section must be removed from the owner's property so as to not be allowed to rot or decay upon the property. Such removal is required with 30 days of cutting or trimming.

(b) Exception for Firewood. Trees and branches intended for use as firewood may be cut and neatly stacked upon lots or parcels of real estate in the Village.

(8) **STANDARDS AND APPEALS.**

(a) The Tree Commissioner shall comply with good arboricultural or silvicultural practices, and the requirements of all applicable ordinances of the Village of Williams Bay, in granting or denying any permission required of the Tree Commissioner in this section.

(b) Any applicant objecting to any decision of the Tree Commissioner has the right to appeal the decision of the Tree Commissioner to the Village Board. The objecting person must deliver a written appeal to the Village Clerk during ordinary business hours, and within 30 days of the decision of the Tree Commissioner.

The Village Clerk will place the appeal upon the agenda of the next available regularly scheduled Village Board meeting, taking into consideration any notice requirements of any relevant open meetings law. The Village Board will review the

decision of the Tree Commissioner. Within 60 days of the submission date of the appeal, the Village Board will either affirm the decision of the Tree Commissioner, or direct the Tree Commissioner to issue such permit with such conditions as may be appropriate.

7.05 SIDEWALK MAINTENANCE

- (1) The owner or occupant of any lot abutting a sidewalk in the Village shall keep the same clear of snow and ice at all times at his or her own expense. The owner or occupant of any lot abutting a sidewalk in the Village shall keep the same in good repair at his or her own expense.
- (2) Any person failing to remove snow or ice from the sidewalk within 24 hours after a snowfall or sleet storm shall be subject to a forfeiture and the Village may have the sidewalk cleared and the cost thereof levied as a special tax against the property. Any person, upon notification from the Village Public Works Director, failing to keep their abutting sidewalk in good repair shall be subject to a forfeiture and the Village may have the sidewalk repaired and the cost thereof levied as a special tax against the property.
- (3) No person clearing snow or ice shall place, deposit or cause to be placed or deposited any snow or ice upon any public street in the Village.

7.055 SNOW and ICE REMOVAL

- (1) No person shall place, or cause to be placed, snow or ice that is being removed from his or her property into any street, alley or onto any other public property.
- (2) No person shall place, or cause to be placed, snow or ice that is being removed from his or her property onto the property of another person unless prior permission has been obtained from the owner of that property. Snow or ice being so removed shall not be placed in such a way as to block or obstruct access to adjacent parcels of property, mailboxes, fire hydrants, sidewalks, or driveways.
- (3) All individuals and or companies performing snow and or ice removal services shall comply with the above regulations.

7.06 UNIFORM NUMBERING SYSTEM

- (1) ADDRESS MAP.
 - (a) The Village has caused a survey to be made and there is hereby 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 as shown on the map designated as the "Official Address Map of the Village of Williams Bay," adopted herein by reference and kept on file in the office of the Clerk. This map shall be opened to inspection by all persons during the office hours of the Clerk. Within 60 days after the effective date of this chapter, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system provided for in this section.
 - (b) The cost of such number or numbers shall be paid for by the property owner.
 - (c) The number shall be conspicuously placed immediately above, on or at the side of the property door of each building so that the number can plainly be seen 75' from the street. Whenever any building is situated more than 75' from the street line, the number of each

building shall be conspicuously displayed on an appropriate post within 75' from the street line so as to be easily discernible.

(2) MULTIUNIT DWELLINGS.

(a) 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, the suffix "A," "B," "C," etc., may be used.

(b) Where only one number is assigned to a group of buildings such as a cluster development, the owner, occupant or agent of such group of buildings, who shall desire distinctive numbers for each building, may use the suffix "Bldg. 1," "Bldg. 2," etc., as may be required. Where separate unit numbers are desired within a building within a group, the suffix "Bldg. 1, Unit A," "Bldg. 1, Unit B," etc., may be used as required.

(3) RESPONSIBILITY OF BUILDING INSPECTOR. It shall be the duty of the Building Inspector to inform any party applying therefor of the number or numbers belonging to or embraced within the limits of the 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 Building Inspector shall determine such number.

(4) RESPONSIBILITY OF OWNER.

(a) Whenever any house, building or structure shall hereafter be erected or located in the Village, it shall be the duty of the owner to produce the number so assigned upon the building as provided by this section. No building permit shall be issued for any house, building or structure until the owner has procured from the Building Inspector the official number of the premises.

(b) If the owner or occupant of any building required to be numbered by this section shall neglect for more than 30 days to attach and maintain the proper number of such building, the Building Inspector 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 serving of such notice, he shall be deemed to have violated this section. Upon conviction thereof, he shall be subject to a penalty as provided in §7.10 of this chapter.

7.07 UNDERGROUND TRANSMISSION LINES

(1) PURPOSE AND SCOPE. The Village Board does hereby declare it to be the policy of the Village to require underground transmission facilities. The purpose of this chapter is to create the legal framework for a comprehensive and balanced exercise of police power to facilitate greater harmony between people and their environment and to prevent and remedy the exposure of the people to the hazards of overhead public utility or cable television transmission lines. This section is adopted to require the underground construction of certain future transmission lines. With this purpose in mind, it is the intent of this section to preserve and to protect the following values and benefits that the Village Board finds will be harmed in the absence of this section:

- (a) Scenic, aesthetic and other recreational values.
- (b) The improvement of general civic appearance.
- (c) Harmony between man's surroundings and activities.
- (d) The removal of safety hazards to pedestrians and motorists.

- (e) Protecting the integrity of trees and other vegetation.
- (f) Overcoming the loss of service and the attendant hazard to people and wildlife because of downed lines due to windstorm, ice, accident or equipment failure.
- (g) Eliminating damage to overhead lines and poles caused by vandalism, wildlife or accident.
- (h) Eliminating damage to wildlife caused by the presence of poles and overhead lines.

(2) DEFINITIONS. All terms are to be broadly construed to effectuate the purposes of this section.

Construct. The building, erection or placement of a transmission line, but shall not be construed to mean:

1. Maintenance and repair activity on a transmission line, including the replacement of part of the transmission line for maintenance or repair purposes.
2. The addition of an overhead transmission line to poles which already exist.

Conventional Construction Methods. The use of a machine for trenching, backhoeing or plowing or for tunneling or boring under existing highway pavements or railroad tracks to excavate for the installation of an underground transmission line.

Economically Unfeasible Construction. Construction requiring excavation by other than conventional construction methods.

Overhead. Above ground level.

Pole. Any tower or other structure of any material designed for the purpose of supporting aloft overhead transmission lines.

Public Utility. The meaning prescribed in §196.01, Wis. Stats., and shall not be construed to include the operations conducted under Ch. 19 of this Municipal Code.

Reconstruct. To substitute a new transmission line for an already existing transmission line.

Reinforce. To increase the capacity of existing transmission lines to existing transmission poles.

Transmission Lines. Any wire or coaxial cable used for the transmission of electrical energy, radio or television signals or telephone or other voice communication and any equipment appurtenant thereto, except a conductor of energy which with associated facilities is designed for operation at a nominal voltage of 138 kilovolts or more, but shall not mean wire, coaxial cable or appurtenant equipment between a distribution transmission line and a customer's premises.

Underground. Below the surface of the earth in conformity with any other applicable ordinance or statute.

Unusual Soil Conditions. Any natural undisturbed soil conditions where underground transmission facilities cannot reasonably be installed by trenching, backhoeing or plowing or where the following depths of workable soil do not exist above the water table or above the top of an area previously used for waste disposal:

Kilovolts	Depth
120-240 volts	24"

7.2 kilovolts	36"
12.4 kilovolts	36"
13.8 kilovolts	36"
69 kilovolts	72"

Utility. See Public Utility.

(3) AREA OF APPLICATION. All territory within the corporate limits of the Village shall be subject to the provisions of this section.

(4) UNDERGROUND CONSTRUCTION REQUIRED.

(a) All transmission lines hereinafter constructed in the Village shall be constructed underground and no person shall construct any transmission line in the Village above the ground level or maintain a transmission line constructed in violation of this section provided, however, that the grantee of the franchise described in Ch. 19 of this Municipal Code shall be permitted to construct overhead facilities where such installation is permitted by Ch. 19 and agencies of the Village shall be permitted to construct overhead facilities where such construction is installed on an existing pole or poles.

(b) Provided further, the provisions of this subsection shall not apply:

1. Where the construction of a temporary overhead transmission line is necessary to restore service to one or more customers in the event the loss of service was caused by defective plant, but this exception shall not apply for longer than 5 months.
2. Where an existing transmission line is being reinforced.
3. Where unusual subsoil conditions restrict underground transmission line construction using conventional construction methods and render underground construction economically unfeasible.
4. Where overhead service is needed to provide temporary service to construction sites until an occupancy permit is issued for the premises served or until the construction work performed on the construction site is substantially completed.
5. Where it has been determined by the Village Board or its designee that such underground construction will have an adverse environmental or economic impact upon a part or all of the Village.

(5) LOCATION AND CONSTRUCTION OF TRANSMISSION LINES TO BE APPROVED BY THE VILLAGE OR ITS DESIGNEE.

(a) No person shall construct any overhead transmission line or its appurtenant poles, pipes or conduits therefore within the Village unless they shall have first submitted to the Village Clerk an application therefore showing the precise route of the proposed transmission line or its appurtenant poles, pipes or conduits and stating precisely the proposed area to be occupied; a description of the construction work; and the estimated duration thereof and no such transmission line or its appurtenant poles, pipes or conduit therefore shall be constructed or laid until a permit for such construction work shall have been first obtained from the Village Board or its designee.

(b) The Director of Public Works is hereby designated to act for the Village Board on all such applications filed. The Director of Public Works shall review, approve, conditionally approve or reject all such applications.

The administrative determination of the Director of Public Works as provided herein shall be set forth in writing and if such determination either conditionally approves or denies the application, the reasons therefore shall be set forth in writing upon such conditional approval or denial which shall be delivered in person or mailed by first class mail to the applicant. Any administrative decision of the Director of Public Works as provided for herein shall be reviewable in accordance with the provisions of Ch. 24 of this Municipal Code.

7.10 PENALTY

Except as otherwise provided in this chapter, any person who shall violate any provision, rule or order hereunder, upon conviction thereof, shall be subject to a penalty as provided in §20.05 of this Municipal Code.