

## CHAPTER 1

### Board of Public Works; Grades

#### **SEC. 6-1-1 RULES BY BOARD OF PUBLIC WORKS.**

In addition to the rules and regulations contained in this Chapter for the construction, use and repair of streets, alleys, sidewalks, and public places, the Board of Public Works shall prepare, promulgate, and enforce such other rules, regulations, and conditions not inconsistent with this Chapter as may be deemed useful for the preservation of streets, alleys, sidewalks, and public places.

#### **SEC. 6-1-2 ESTABLISHMENT OF GRADES.**

- (a) **GRADES TO BE ESTABLISHED.** The grade of all streets, alleys and sidewalks shall be established by resolution by the Common Council and the same recorded by the Department of Public Works. No street, alley or sidewalk shall be worked until the grade thereof is established. In all cases where the grade of sidewalks shall not have been specifically set by ordinance, the sidewalks shall be laid to the established grade of the street. All such grades heretofore established are hereby confirmed. The standards will be based on width, and right-of-way width, all in conformity with good and normal construction practices.
- (b) **NEW SIDEWALK GRADE.** Whenever a street shall be improved for the first time or the grade thereof changed and the street improved so as to conform to the new grade, the grading of the sidewalk shall be considered a part of the improvement, shall be let by contract with the other work of improving such street, and the expense thereof shall be provided for and borne in all respects like that of improving the street, but the construction shall be done by the owners of the abutting lots or parcels of land or at their expense as hereinafter provided. Before such construction is commenced by the owners of the abutting lots or parcels of land, the Director of Public Works shall, upon application by the respective owners for a sidewalk grade, cause such sidewalk grade to be established.

State Law Reference: Section 62.14(7) and 62.16, Wis. Stats.

#### **SEC. 6-1-3 ALTERATION OF GRADE PROHIBITED.**

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof in the City of Menasha by any means whatsoever unless authorized or instructed to do so by the Director of Public Works. All such alterations of grade shall be recorded in the office of the Director of Public Works.

**SEC. 6-1-4**

**REGULATION AND GRADES OF UNDERGROUND UTILITIES.**

- (a) **ELEVATION.** The grade or elevation of all underground construction shall be three (3) feet below the established grade of the street, alley, park, public property or easement. The three (3) feet shall be measured between the top of the established grade and the top of the underground construction.
- (b) **APPROVAL OF LOCATION.** The location of any and all such underground construction must have the approval of the Director of Public Works.
- (c) **FILING PLANS.** Complete plans for any such construction must be filed with and be approved by the Director of Public Works before construction can begin.
- (d) **INSPECTION.** On request of the Director of Public Works, the utility company must provide opportunity for him to check any construction before it may be covered.
- (e) **CONFLICT WITH OTHER UTILITIES.** If the grade or elevation herein set for the underground construction of utilities shall, in any instance, conflict with other existing utilities, the utility shall be required to lower the elevation of its underground construction, or of the storm sewer, at the election of the Director of Public Works and in accordance with his directions and specifications.
- (f) **ESTABLISHMENT OF GRADE.** At the request of the utility company, the Director of Public Works shall, at the City's expense, give the utility company an established grade on any streets, alleys, public parks or easements where it proposes to install underground utilities.
- (g) **EMERGENCY.** In case of an emergency, when immediate action is necessary in order to protect life or property, the utility company may proceed with underground construction subject to obtaining the approval of such work by the Director of Public Works as soon thereafter as is reasonably possible.
- (h) **RESTORATION OF SURFACE.** In the event of any such underground construction, the utility company shall leave the surface of the ground, or road, in the same condition as before said work was commenced, and in the event of its failure so to do the City may proceed to place the surface of the ground or street in such condition at the utility company's expense. Such work shall comply with the provisions of Sections 6-2-3 and 6-2-4.
- (i) **NON-RELIEF FROM OBLIGATIONS.** Compliance with this Section does not relieve the utility company from any responsibility of any kind whatsoever by reason of the widening of the travel way, or any other improvements which may become necessary; nor does it relieve it from any liability of any kind or nature whatsoever. Compliance with this Section shall not relieve the utility company from the responsibility or obligation of removing, relocating or moving any of its mains, pipes or property due to the opening, widening or improving of streets, or due to any other changes which may occur by reason of which such moving, relocation or removing may be necessary.

**SEC. 6-1-5**

**PUBLIC WORKS PROJECTS; BIDDERS PROOF OF RESPONSIBILITY.**

- (a) **BIDDERS PROOF OF RESPONSIBILITY REQUIRED.** When public works contracts are required by law, the Director of Public Works is required before delivering any form for bid proposals to require any person, partnership or corporation so bidding to submit a full and complete statement sworn to before an officer authorized by law to administer oaths of financial ability, equipment, and experience in the work prescribed in said public contract

and of such other matters as the City or Director of Public Works thereof may require for the protection and welfare of the public in the performance of said contract. Such statement shall be in writing on a standard form of questionnaire as adopted for such use by the Board of Public Works and shall be filed in the manner and place designated by the Board of Public Works not less than five (5) days prior to the time set for opening of bids. The contents of said statements shall be confidential and shall not be disclosed except upon written order of such person, partnership or corporation furnishing the same or in cases of actions against the City of Menasha by the bidders.

- (b) **PROOF OF RESPONSIBILITY, CONDITION PRECEDENT.** No bid shall be received from any person who has not submitted the sworn statement as provided in the preceding Subsection, provided, however, that any prospective bidder who has once qualified to the satisfaction of the Board of Public Works and who wishes to become a bidder upon subsequent public contracts under the jurisdiction of the same, to whose satisfaction the prospective bidder has qualified, need not again pre-qualify if less than twelve (12) months has transpired since his previous qualification. It is the intention of this Section that the information required for pre-qualification need not be submitted more than once in any twelve (12) month period.

**SEC 6-1-6 PUBLIC CONSTRUCTION BY CITY WITHOUT BIDS.** Asphalt paving and other repairs of streets is designated a class of Public construction that may be done directly by the City without submitting the construction for bids, in accordance with s. 62.15(1), Wis Stats.