



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2013-0246

Final Action:

Sponsor(s): Public Works Committee

NOV 05 2013

Resolution Relative to Amending the City's Policies & Procedures Manual No. 2822 Relative to the Granting of Encroachments.

WHEREAS, Policy No. 2822, Granting of Encroachments, was originally included in the City of West Allis Policies and Procedures Manual under the Engineering Department on April 2, 2013; and,

WHEREAS, this procedure has been reviewed and determined by the City Attorney and the City Engineer/Public Works Director that clarification is required regarding the applicant's insurance requirements.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Policy No. 2822 relating to the Granting of Encroachments be amended and be approved as presented in the attached restatements.

BE IT FURTHER RESOLVED that copies of said policies be distributed to all departments, divisions, and offices.

ATTR-P&P - 2822 Encroachments Rev

ADOPTED

NOV 05 2013

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED

11/11/13

Dan Devine, Mayor

Propose
show
revisions

Granting of Encroachments

Engineering

2800

2822

1-3

EFF DATE

1.0 PURPOSE:

To describe the procedures to be followed by the Engineering Department and other City departments when encroachments into the City right-of-way are granted.

2.0 ORGANIZATIONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions, and the general public.

3.0 POLICY:

It is the policy of the Engineering Department to follow a uniform procedure in conformance with state law and City ordinances when granting privileges in streets/encroachments.

4.0 REFERENCES:

Wisconsin Statutes Section 66.0425
City of West Allis Revised Municipal Code Section 11.165

5.0 PROCEDURES:

5.1 RESPONSIBILITY

When the City receives a request for an encroachment beyond a lot line, the Engineering Department shall follow the procedures set forth herein prior to granting such request.

5.2 GENERAL PROCEDURES

5.2.1 Newspaper Boxes/Mailboxes. The City Engineer shall enforce the provisions of Section 11.165 of the Revised Municipal Code relating to newspaper boxes and mailboxes that are located beyond the lot line. No additional requirements shall apply to newspaper boxes or mailboxes located within the City right-of-way.

5.2.2 Minor Encroachments. Minor encroachments, as defined in Section 11.165(1), may be granted by the City Engineer if, in the City Engineer's opinion, the request will not adversely affect City services or the public's right of travel and will not otherwise pose an unreasonable danger to the health, safety, and welfare of the community under the following conditions:

- 1.) The applicant provides proof of insurance naming the City as an additional insured with a notice of cancellation endorsement, in a form acceptable to the City Attorney, in an amount of \$300,000, and keeps such proof of insurance current while the encroachment is in place. The notice of cancellation endorsement shall not be required for residential properties.
- 2.) The applicant posts cash or a performance bond in an amount of \$2,000 to ensure that the encroachment is removed when so ordered by the City Engineer. The bond shall be in a form acceptable to the City Attorney.
- 3.) The applicant has submitted a to scale plan or other acceptable drawing showing the location of the lot line and depicting the extent of the encroachment along with a detailed description.
- 4.) Upon receipt of the plan, the City Engineer shall cause a legal description of the encroachment area to be created. The legal description, together with the address and tax key number for the property shall become part of the Privilege for Encroachment Agreement.
- 5.) The applicant signs the Privilege for Encroachment Agreement on a form prepared by the City Attorney.
- 6.) The required fee is paid by the applicant.

5.2.3 Major Encroachment. Major encroachments, as defined in Section 11.165(2), may be granted by the City Engineer if, in the City Engineer's opinion, the request will not adversely affect City services or the public's right of travel and will not otherwise pose an unreasonable danger to the health, safety, and welfare of the community under the following conditions:

- 1.) The applicant provides proof of insurance naming the City as an additional insured with a notice of cancellation endorsement, in a form acceptable to the City Attorney, in an amount of \$1,000,000, and keeps such proof of insurance current while the encroachment is in place.
- 2.) The applicant posts cash or a performance bond in an amount of \$10,000 to ensure that the encroachment is removed when so ordered by the City Engineer. The bond shall be in a form acceptable to the City Attorney.
- 3.) The applicant has submitted a to scale plan or other acceptable drawing showing the location of the lot line and depicting the extent of the encroachment along with a detailed description.
- 4.) Upon receipt of the plan, the City Engineer shall cause a legal description of the encroachment area to be created. The legal description, together with the address and tax key number for the property shall become part of the Privilege for Encroachment Agreement.
- 5.) The applicant signs the Privilege for Encroachment Agreement on a form prepared by the City Attorney.
- 6.) The required fee is paid by the applicant.
- 7.) Upon the requirements set forth above being met, the City Engineer shall place

the request for major encroachment on the Board of Public Works agenda. Upon approval by the Board of Public Works, the City Engineer shall issue the major encroachment.

- 5.2.4 Structural Encroachments. Structural encroachments shall be granted by the Common Council pursuant to Section 11.165(3). The same terms and conditions as are required for major encroachments shall apply to structural encroachments unless the Common Council establishes different requirements.
- 5.2.5 Waiver of Certain Requirements for Governmental Agencies. The bond, insurance, and fee requirements shall not be required for other governmental agencies including school districts. All of the other requirements for an encroachment shall be met by the governmental agency prior to granting of the encroachment.
- 5.2.6 Maintenance of Requirements. The City Engineer shall ensure that the fee is paid and that the bond and insurance requirements are up to date. If any holder of an encroachment grant fails to meet the terms and conditions, the City Engineer shall send written notification to such holder. Failure to cure all defects within 30 days shall be grounds for the City Engineer to refer the matter to the City Attorney. The City Attorney shall take all legal and equitable steps to obtain compliance.
- 5.2.7 Applicability. The bond and insurance requirements existing at the time an encroachment was granted shall continue, regardless of ownership change, unless proof of such requirements lapses or is not provided for a period of six months. Such lapse shall require full compliance with the terms of this policy as if the application is for a new encroachment.

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Granting of Encroachments

Engineering

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