1. Twenty ($20) Dollars for the first violation within a given calendar year.
2. Forty ($40) Dollars for the second and third violations within a given calendar year.
3. Sixty ($60) Dollars for the fourth violation and every violation thereafter, within a given calendar year.
4. The above penalties shall double if not paid within seven (7) days of the date of the offense, not including the day of the offense.
5. The penalty provisions of **§5.12** of this Chapter are not applicable, being superseded by this subsection.

F. Emergency Enforcement. In addition to the penalties herein prescribed, the Director of Public Works, or his designee, shall be authorized to do, or have done, such acts as are necessary to bring the abutting or fronting sidewalk and or alley in compliance with this Ordinance. Once each calendar year, the City Department of Public Works shall publish a legal notice in the official City newspaper advising responsible parties of their duties hereunder and of the penalties for noncompliance with this Ordinance and the remedial powers of the Department of Public Works. Prior to the Department of Public Works doing or authorizing any work to be done at the cost and expense of the responsible party, an attempt shall be made to notify the responsible party by written notice, served personally or by mail. Said Director, or designee, shall keep an itemized record of expenses incurred and submit said itemization to the responsible party for payment within thirty (30) days of the date of service thereof, not including the date of service. If such charge is not paid when due, the Director, or designee, is authorized to pay said bill, if the services were not performed by City employees. Said Director, or designee, is further directed to collect the unpaid portion of said invoice as a special charge against the abutting or fronting property. A Seventy ($70.00) Dollar Administrative Fee for processing and administering the special assessment shall be added to the special assessment against the abutting or fronting property.

G. Saving Clause. Should any part or provision of this Ordinance be declared unconstitutional and unenforceable, the remaining constitutional provisions shall be deemed separable and of full force and effect.

5.115 SUMP PUMPS

A. Definitions.

1. "Director" shall mean the Director or acting Director of the Department of Public Works, or his/her designee.
2. "Public Nuisance" shall mean a water discharge from any sump pump within the City which accumulates or freezes on any public right-of-way or which is discharged into a City sanitary sewer or which otherwise endangers the public health, safety or welfare. A public nuisance shall be deemed to exist where the condition complained of has temporarily ceased to exist but where the condition is likely to occur in the future.

B. Specifications. Foundation drains shall be connected to sump pits as specified in the State Plumbing Code. Sump pumps and the installation of sump pumps shall be in compliance with the State Plumbing Code.

C. Discharge. All construction in lands platted or subdivided after January 1, 1999, shall provide for the connection of all sump pump discharge lines directly to the nearest available storm sewer line; or, where a storm sewer is not available, onto the surface of the ground at least ten (10') feet from the building foundation. Where a storm sewer is not available, the discharge shall be directed to flow to the rear lot line or toward the street and shall not be directed so as to flow onto adjacent property, so as to flow over or accumulate upon a public sidewalk or as to create or maintain a public nuisance. Whenever a sump pump discharge is determined by the Director to have flown over or accumulated upon a public sidewalk, the Director may order the owner of the property which is the source of the said discharge to bury under the public sidewalk a nonporous conduit for said discharging waters which will be cut into the curb, where present, so as to enable the discharging water to flow directly into the gutter of the street.

D. Notice to Property Owner. Where the Director has determined that the discharge from a sump pump is unlawful or has created a public nuisance, the Director shall notify the property owner thereof and order compliance with this Ordinance or the abatement of said public nuisance within thirty (30) days following the date of the notice.

E. Appeal. The property owner may appeal the order of the Director to the Public Works Committee by serving a notice of appeal upon the Director within the thirty (30) day period referred to in Subsection **D.** The Public Works Committee shall hold a hearing within thirty (30) days following the receipt of the request therefor and it may uphold, reverse or modify the order of the Director. If the Public Works Committee upholds the Director in full or in part, the property owner shall be ordered to take corrective action within thirty (30) days following the date of the decision of the Public Works Committee.

F. Waiver. The property owner, by not requesting a timely hearing following the receipt of a thirty (30) day notice and order, shall waive any right he may have or claim to said hearing.

G. Corrective Action By Director. In the event of an illegal sump pump discharge, whether or not the discharge has caused a public nuisance, the Director may take corrective action where the property owner fails to do so in a timely manner, and the Director shall bill the property owner for the full cost of corrective acts and demand payment within thirty (30) days. Where timely payment has not been made, the Director shall tax said cost against the property, which was the site of the offense herein relevant, as a special assessment.

In the event that a public nuisance has resulted from a lawful sump pump discharge and a redirection of the discharge is required to abate the public nuisance, the Engineering Division shall develop a plan and cost estimate for nuisance abatement, and forward said plan and estimate to the Committee on Public Works and owner(s) of relevant property. The Committee, following notice and opportunity to be heard, may authorize the City to participate in the cost of nuisance abatement, where sufficient funds have been appropriated therefor. Under such circumstances, the property owner shall be liable for fifty (50%) percent of the cost of abatement or One Thousand ($1,000) Dollars, whichever is less.

5.116 SIDEWALK INSPECTION AND REPLACEMENT POLICY AND PROCEDURE

A. Purpose. The purpose of this Ordinance is to create a policy and procedure for sidewalk inspection and replacement so as to provide for sidewalk replacement before a sidewalk deteriorates to the point that it could endanger the public safety.

B. Policy. It is the declared policy of the City of Kenosha that sidewalks shall be kept in repair by and at the expense of abutting property owners.

C. Procedure. The City Engineer shall have the authority of the Board of Public Works as provided for in §66.615, Wisconsin Statutes, and he/she shall designate one (1) or more subordinates as Sidewalk Inspectors who shall have the duty of inspecting the sidewalks within the City and ordering and arranging for the replacement of sidewalks. The costs of sidewalk replacement, where performed by or through the City, shall be billed to the property owner and if not paid within thirty (30) days, collected as a special assessment due in one (1) installment.

D. Definitions Of Words Used Herein.

1. **"Crack"** shall mean a fissure within a sidewalk square.
2. **"Joint"** shall mean a cleavage created for expansion purposes which separates two or more sidewalk squares.
3. **"Pitch"** shall mean the constructed slope of a sidewalk to the street (normally one quarter inch per foot).
4. **"Sidewalk(s)"** shall mean a public sidewalk within the street right-of-way.
5. **"Sidewalk Square"** shall mean that portion of a sidewalk bordered by joints and the sidewalk edge.
6. **"Spalling"** shall mean a chipped or splintered condition of a sidewalk square.

E. Notices And Special Assessments. Section 66.615, Wisconsin Statutes, incorporated herein by reference, shall govern notices and special assessments.

F. Examples Of Conditions That Could Develop Into Hazards. Sidewalk Inspectors shall consider the following examples of conditions which, if not addressed, could develop into a hazard, in determining whether to order a sidewalk square replaced or repaired:

1. There is a difference in height greater then one (1") inch in the elevation of adjacent sidewalk squares, except in business and commercial districts where there is a difference in height greater than one-half (1/2") inch.
2. The pitch of the sidewalk is greater than one (1") inch per foot.
3. There is a crack greater than one-half (1/2") inch in width, except in business and commercial districts where there is a crack greater than one-quarter (1/4") inch.
4. There is a difference in height greater than one-half (1/2") inch in the elevation of adjacent sections of a crack.
5. There is a depression greater than one-half (1/2") inch within a sidewalk square.
6. There is spalling which has resulted in a depression greater than one-quarter (1/4") inch.
7. There has been a temporary sidewalk repair.