

SEC. 6-2-5 OBSTRUCTIONS AND ENCROACHMENTS.

- (a) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsections (b) and (c).
- (b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:
- (1) Temporary encroachments or obstructions authorized by permit under Section 6-2-6 of this Section pursuant to § 66.0425 Wis. Stats.
 - (2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.
 - (3) Excavations and openings permitted under Sections 6-2-3 and 6-2-4 of this Code.
 - (4) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
 - (5) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley
- (c) **Issuance of Permit.**
- (1) The Chief of Police and Superintendent of Public Works, may issue a permit which allows property owners to place fixtures and (1) sign (no larger than 24 x 36) on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
 - a. The property must be located in an area zoned for commercial uses.
 - b. The fixture shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
 - c. The placement of the fixture, sign and any attachments to the sign shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five (5) feet at any point.
 - d. The property owner shall provide the City with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than \$1,000,000 per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the City sidewalks. In addition, the City shall be identified as a third-party insured.
 - e. The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise.
 - f. The property owner whose property adjoins the City sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.
 - g. The property owner or the occupant of the subject property shall display the approved permit within public view.
 - h. The fee for a permit shall be in such sum as set by the City Council.

- i. Permits expire 1 year after the issue date. If you fail to renew, a late fee of \$25 will be incurred monthly in addition to the renewal fee.
- (2) If upon reviewing the permit application it is determined by the Chief of Police and Superintendent of Public Works, that all of the above requirements have been met, the City Clerk-Treasurer shall issue the permit. Said permit may be revoked by, any City Police Officer, Superintendent of Public Works, or Building Inspector at any time when one (1) or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.
- (d) **Removal by City for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any City Police Officer determines that a sidewalk is unlawfully obstructed in violation of this section, he may issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.
- (e) **Removal by City for Obstruction and Encroachments Located in the City Streets, Alleys, Public Grounds or Lands Dedicated for Public Use.** In addition to any other penalty imposed, if any City Police Officer determines that a City Street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he may issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.
- (f) **Failure to Remove Obstruction.**
 - (4) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, any City Police Officer may cause the removal of the obstruction keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the City Clerk-Treasurer shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.
 - (5) The failure of the City Clerk-Treasurer to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the City expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.