

SEC. 6-2-8 TERRACE AREAS.

- (a) **Definition.** The definition of “terrace” shall be as defined in Section 6-4-2(f).
- (b) **Noxious Weeds; Paving.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Common Council or its designee.
- (c) **Responsibility to Maintain.** Every owner of land in the City whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

Cross Reference: Title 6, Chapter 4.

SEC. 6-2-9 VAULTS.

All vaults and cisterns under sidewalks shall be prohibited.

SEC. 6-2-10 DOWNSPOUTS AND EAVES OF BUILDINGS NOT TO DRAIN ON SIDEWALKS.

No downspouts from any building shall terminate on or upon, or in such position that the contents of such spout be cast upon or flow back or over any public sidewalk in the City. When the eaves of a building extend over or are so constructed that water may fall therefrom or run back upon any public sidewalk, such eaves shall be so protected by proper spouts or otherwise that no water shall fall or drain therefrom or run back upon or over any public sidewalk. The owner or owners of any building and the officers of any association or corporation owning any building on which any spouts or the eaves thereof shall be maintained contrary to this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of Ordinances.

SEC. 6-2-11 SALE OR DISPLAY OF MERCHANDISE PROHIBITED; SPECIAL EVENT VENDING PERMIT.

- (a) **Street Sales Prohibited Except by Permit.**
 - (1) No person shall display, sell or offer to sell on any street, sidewalk, alley or other public place within the City any goods, wares, foodstuffs for anything of value or service of any kind by putting up a booth or stopping a vehicle or person on foot or in any other manner attempting to publicly sell or offer for sale any such articles, unless such person shall have first applied for and obtained a special event vending permit from the city Clerk-Treasurer. Such permit shall enable holders to conduct their business in all enumerated areas subject to the limitations of this Section. A special event vending permit shall be obtained where the vending is done by a participant in a special event and where such vending is an integral part of the event.

However, where the vending is to occur in connection with a City or area-wide promotion of community trade or festival sponsored or coordinated by an organization, the sponsoring organization shall obtain the special event vending permit as agent for its participating members.

- (2) Excepted from the requirements of this Section are coin operated beverage machines and merchandise displays, provided such displays are not unsightly and are placed in such a manner on the sidewalk as to always permit an unencumbered pedestrian walkway a minimum of four (4) feet in width.

(b) **Procedure.**

- (1) Application for a special event vending permit shall be filed with the City Clerk-Treasurer and shall contain such information as the City Clerk-Treasurer may require. Licenses shall be signed by the City Clerk-Treasurer and shall be conspicuously displayed at the place where such sales are being made. The permit shall set forth the exact days on which and the exact location where such business shall be carried on and shall be valid only during the dates and at the locations specified. Where a sponsoring organization is the applicant, the applicant shall provide the City Clerk-Treasurer with a complete list of sponsors and participants at the time of making application.
- (2) Upon receipt of an application for a permit, the City Clerk-Treasurer shall review the information given on the application for conformity with the provisions of this Section. If all the applicable requirements are clearly and unambiguously met in the City Clerk-Treasurer's opinion, it shall approve the permit or approve it conditionally. If the applicable requirements are not clearly and unambiguously met in the City Clerk-Treasurer's opinion, it shall state the matters in doubt in writing to the applicant within three (3) days of the time of making application.
- (3) The Common Council shall review appeals of the denial of the application by the City Clerk-Treasurer and may either deny the permit, approve the permit or approve the permit conditionally. Appeals requests shall be filed with the City Clerk-Treasurer within seven (7) days of the Committee's decision.

(c) **Conditions of License.** In addition to any other conditions imposed by the City Clerk-Treasurer, all permittees shall fully comply with the following requirements:

- (1) Liability Insurance. To hold a valid permit, the vendor must have in force adequate liability insurance. Adequate liability insurance is liability insurance holding the City and its employees and agents harmless and to indemnify and defend the City, its employees and agents against all claims, liability, loss, damage or expense incurred by the City with adequate liability policy limits on account of any damage caused by or resulting from the activities for which the permit is granted. As evidence of the applicant's ability to perform this condition of the permit, the applicant shall furnish a Certificate of Insurance evidencing the existence of comprehensive general liability insurance (including contractual liability insurance with the City being named as an additional insured). Adequate liability limits means minimum limits of One Hundred Thousand Dollars (\$100,000.00) per occurrence for bodily injury and minimum limits of Fifty Thousand Dollars (\$50,000.00) per occurrence for property damage. The Certificate of Insurance shall provide thirty (30) days written notice to the City upon cancellation, or nonrenewal or material change in the policy. Proof of

insurance shall be submitted to the City Clerk-Treasurer a minimum of seven (7) days before the start of the event.

- (2) Cooperation with Law Enforcement Officials. To protect the public health and safety, the permittee shall coordinate with the Chief of Police the location of all events under the permit. Street and sidewalk encroachments, booth locations and special parking provisions shall be submitted to the Chief of Police for his review and approval a minimum of seven (7) days before the start of the event.
- (3) Clean-up. The permittee shall be fully responsible for all necessary cleanup associated with the licensed event.
- (4) Compliance with Other Regulations. The permittee shall comply with all applicable state and county regulations governing health and sanitation for food-handling establishments, if applicable, and any other applicable City regulations, including, but not limited to, regulations pertaining to the issuance of Special Class "B" Fermented Malt Beverage Licenses.

SEC. 6-2-12 REQUESTS FOR IMPROVEMENTS.

Requests or petitions by City property owners for new streets, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks, shall be presented to the Common Council on or before September 1st to be considered for installation in the following year.

SEC. 6-2-13 RAKING LEAVES INTO STREETS.

In the interests of public safety, health and general welfare, community appearance and efficiency of operation, it shall be unlawful to rake or place fallen tree leaves or grass clippings onto the pavement or into the gutter of any public street. No person shall permit grass clippings from mower swaths to remain upon sidewalks or on abutting property owned or occupied by him.,

SEC. 6-2-14 DUMPING ON STREETS.

It shall be unlawful for any person to deposit or cause to be deposited, dump, sort, scatter or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth, paper, snow, ice, dirt, grass, leaves, construction waste, garbage or other offensive or noxious material in any public street, sidewalk, alley, or upon any public property or upon any property of another, without the express permission of the owner or occupant thereof.

SEC. 6-2-15 STREET NUMBERS.

- (a) **Buildings to Have Street Numbers.** Each principal building in the City shall be assigned an official street number by the Building Inspector. All lots and parts of lots in the City shall be numbered in accordance with a street numbering map on file in the office of the

City Clerk-Treasurer. Plats shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on the map.

- (b) **Street Numbers to Be Displayed.** The owner, occupant, or agent in charge of the premises shall cause to be affixed and to be maintained when so affixed to each principal building controlled by him the official street number assigned to that building as provided in (a) hereof. The physical numbers provided herein shall be not less than two and one-half (2 ½) inches high on a background of not less than three (3) inches. Each required number shall be affixed on the particular building in such a location that it may be easily and readily seen by a person of ordinary eyesight on the public street or highway upon which the building abuts. For buildings abutting also on a public alley, the street number shall also be affixed in such location that it may be seen in like manner from such alley.
- (c) **Noncompliance.** If the owner or occupant of any building neglects for twenty (20) days to duly attach and maintain the proper numbers on the building, the City shall serve him a notice requiring him to properly number the same, and if he neglects to do so for ten (10) days after service, he shall be subject to a forfeiture as provided in Section 1-1-7.

SEC. 6-2-16 OBSTRUCTION OF PUBLIC DITCHES.

No person shall in any manner obstruct or cause to be obstructed the free passage of water in any public gutter, ditch, culvert, swale or drain or place or cause to be placed any rubbish, dirt, sand, gravel or any other matter or thing so that the same is likely to be carried by the elements into any public gutter, ditch, culvert, swale or drain.

SEC. 6-2-17 CURB AND GUTTER.

- (c) **Special Assessments and Charges.** The City may, at any time, construct or have constructed curb and gutter in the City. As a complete alternative to any other methods provided by law, the City may collect for said curb and gutter in the manner and by the procedure provided by Sec. 66.60 and/or 66.62, Wis. Stats.
- (d) **Alternative Methods.**
 - (2) Petition. Any taxpayer and property owner in the City may petition the City for the installation of curb and gutter abutting property owned by said petitioner in said City.
 - a. **Requirements of Petition.** The petition for the installation of curb and gutter shall state that the petitioner(s) request curb and gutter abutting property owned by said petitioner, describing said property, stating what type is requested, and further said petition shall state that each petitioner individually shall be responsible and liable for, and thereby obligates himself to pay the total costs of installation of said curb and gutter in include surveying and other contingent expenses.
 - b. **Effect of Petition.** In the event a petition for the installation of curb and gutter is presented to the Common Council, the Council shall have the exclusive discretion to accept or reject the same. The Council may refer said petition,

may table it, but in any event they shall act upon the same in some manner within six (6) months of receipt of said petition.

(3) Resolution of Intent.

- a. In the event the City shall desire to construct curb and gutter in any area of the City, the Common Council may adopt a resolution of intent to install said curb and gutter and assess the costs thereof to the abutting property owners as provided in Sec. 66.60, Wis. Stats.
 - b. Reasonable notice and hearing shall be given to all affected landowners. Any public hearing conducted for any purpose stated under Sec. 66.60, Wis. Stats., and/or Sec. 66.62, Wis. Stats., shall be published as a Class 1 notice under Ch. 985, Wis. Stats., and at least ten (10) days prior to any public hearing, a copy of the notice shall be sent to each interested person whose post office address is known or can be ascertained with reasonable diligence. The hearing shall commence not less than ten (10) nor more than forty (40) days after such publication.
- (e) **Types of Curb and Gutter.** All curbs and gutters shall conform to the construction standards adopted by the Common Council, on file with the City Clerk-Treasurer.
- (f) **Liability for Repair Thereof.** Whenever curb and gutter is installed, all property owners receiving the benefits thereof shall be responsible and liable for all replacements, repairs, damage and maintenance and during any period of construction on the property against which it abuts. Any expense for additional width of road made necessary by blacktop curb and gutter shall be the responsibility of and shall be paid for by the abutting property owner.
- (g) **Entered on Tax Rolls.** Any and all costs of replacement, repair and maintenance of curb and gutter incurred within two (2) years after installation thereof or damage thereto during construction as provided in Subsection (d) above, shall be charged to the lot or parcel of land affected thereby pursuant to Sec. 66.60, Wis. Stats.

State Law Reference: Sections 66.60 and 66.62, Wis. Stats.