

CITY OF PLATTEVILLE, WISCONSIN
CHAPTER 4, STREETS, ALLEYS AND SIDEWALKS
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CHAPTER 4

STREETS, ALLEYS AND SIDEWALKS

4.01 OBSTRUCTING STREETS. No person shall obstruct or endanger, or place, or permit anything to obstruct or endanger, the free passage or proper use of the public of any street, alley, sidewalk, crosswalk, bridge, or entrance to any church, theater, hotel, school, or public building, except as may be necessary while loading or unloading any goods, merchandise, or persons, or as is permitted under this code.

4.02 BUILDING MATERIALS ON STREETS. No person shall place any building materials on any street, alley, or sidewalk without a permit from the Director of Public Works. Any such person shall keep materials on any street or sidewalk only for such length of time as the Director of Public Works shall prescribe, and shall adopt such measures and precautions for the safety and convenience of the public and the City as the Director of Public Works may reasonably require.

4.03 PLACING SNOW AND WASTES ON STREETS. No person shall remove or cause to be removed from any private property any snow, slush or waste material of any kind into the streets or onto other public property of the City.

4.04 DAMAGING STREETS. No person shall injure or interfere with the substance of any street, alley, curb, or sidewalk, or any street sign, street lamppost, or tree in any street, or any danger lamp, or sign or signal or barrier placed for public safety, or any monument locating the line of a street, sidewalk, or public improvement.

4.05 BARBED WIRE. No person shall place any barbed wire fencing abutting on any street, alley or sidewalk in the City.

4.06 UTILITY POLES. All telephone, telegraph or electric poles in or upon the public streets or alleys of the City shall be subject to and governed by the following rules and regulations:

- (a) The City of Platteville shall have the right at any time to designate the location of all such poles and reserve the right at any time to direct any alteration in the location of such poles or posts, the height thereof and the height at and the manner in which all wire thereon shall be run, any such alteration to be made at the cost of the owner of such poles.

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- (b) Before any person shall erect any poles upon any street or alley he shall submit to the Director of Public Works the route of the proposed line or lines and as far as practicable the location of each pole and the number and location of the wires. No such pole shall be erected until first obtaining approval of the Common Council.
- (c) Whenever in the judgment of the Common Council the use of any alley for the purpose of erecting the poles is practicable said poles shall be placed upon and along said alley instead of upon and along the street next adjoining. When the poles are set in an alley they shall be located as near the said line as practicable and in such manner as not to inconvenience the public or the adjoining landowner.
- (d) Whenever poles are erected on a street they shall be placed in all cases, unless specially directed otherwise by the Common Council, on the outer edge of the sidewalk just inside of the curb and on the line dividing the lots, one from another. In no case shall they be so placed as to inconvenience the public or the adjoining property or to disturb the drainage of the streets, or interfere with or damage the trees or other public or private property unless the consent of the owner of the trees or other property and of the Common Council shall have previously been obtained.
- (e) Whenever any street on which any of the poles shall have been set shall be graded, paved or reconstructed, all such poles shall be reset if necessary so as to conform to the street as constructed.
- (f) The City of Platteville reserves the right at any time to order any or all wires in the City to be cabled or placed underground and to order poles supporting the same to be removed from the public streets.
- (g) The City of Platteville shall have the right to use without charge the upper arm of any pole erected in the City for the purpose of maintaining a wire or wires for the exclusive use of the City or any of its departments and no such pole shall be removed by the owner thereof until the Common Council or Director of Public Works shall have been reasonably notified of the contemplated removal.
- (h) All such wires herein mentioned and all other conductors of electricity must be so carried, so placed and protected as to be free from all danger of communicating fire by means of contact with other wires or conductors or in any manner injuring public or private property.
- (i) The erection of any poles or the stringing of any wires shall be deemed an acceptance by the person so erecting said poles or stringing said wires of all of the conditions and provisions contained in this section.

4.07 SIDEWALK CAFÉ PERMITS. (a) PERMIT REQUIRED. It shall be unlawful for any person to sell, or offer to sell, any food or beverage at a sidewalk café located upon

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any street, alley, sidewalk, street terrace, or other public property, unless such person shall have first applied for and obtained a sidewalk café permit.

(b) **DEFINITION.** Sidewalk café shall mean an outdoor dining facility which is located upon any part of the public right-of-way adjacent to a restaurant licensed under §254.64(1)(a), Wis. Stats., and which is used by the holder of the restaurant permit for the sale of food, refreshments and beverages. The sidewalk café shall include any group of tables, chairs, benches, barriers, partitions, trash containers and other such approved features.

(c) **APPLICATION PROCEDURE.**

- 1) Application for a sidewalk café permit shall be filed with the Community Planning and Development Director. The application shall contain such information as the Community Planning and Development Director may require and shall include at a minimum the following:
 - a) A completed application form.
 - b) A scale drawing of the site, showing the location of all trees, poles, benches, grates, and other amenities or obstructions, and location of the proposed furniture, fences, and other equipment.
 - c) Photographs, drawings, or manufacturers brochures fully describing the appearance, materials and dimensions of all proposed tables, chairs, barriers or other objects related to the sidewalk café.
 - d) A copy of a valid restaurant license issued by the State of WI under §254.64(1)(a) for the premises where the sidewalk café will be located
 - e) The permit fee.
 - f) If applicable, a letter from the adjoining property owner(s) and business tenant(s).
- 2) The Community Planning and Development Director shall review the application for compliance with the provisions of this chapter and other applicable City Ordinances. If the application is complete the permit request shall be submitted to the Planning Commission for approval, approval with conditions/restrictions, or denial. An application for a sidewalk café that will include the sale of alcohol shall also be approved by the Common Council.
- 3) Following approval of the sidewalk café permit application, and as a condition of granting the permit, the applicant shall furnish a certificate of

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insurance, on a form acceptable to the City, evidencing the existence of comprehensive general liability insurance with the City of Platteville being named as an additional insured and liability limits of not less than \$500,000 per claim and \$1,000,000 annual aggregate. The certificate shall provide thirty (30) days written notice to the City prior to cancellation, nonrenewal, or material change to the policy.

- 4) All permits hereunder are annual permits and shall be effective from March 1 until the end of February. To renew an existing sidewalk café permit, the permit-holder who meets all applicable requirements need only submit to the Community Planning and Development Director a completed renewal application, along with the appropriate annual permit fee and certificate of insurance. If the permit-holder proposes changes to the site, the application shall be processed in the same manner as an initial sidewalk café permit application.
- (d) GENERAL RESTRICTIONS. Any sidewalk café permitted hereunder shall be subject to the following regulations:
- 1) Sidewalk cafés are restricted to the public right-of-way immediately adjacent to and extending perpendicular to the curb from the façade of the real property owned or leased by the permit holder. The Plan Commission may allow the boundary to be extended beyond the frontage of the permit holders business to include the frontage of contiguous property, however, a written statement signed by the owner(s) and tenant(s) of the adjacent business shall be provided at the time of application.
 - 2) All sidewalk cafés shall remain within the boundaries of the sidewalk café site as set forth on the approved application. No application will be approved where the location of the sidewalk café negatively impacts another business, as determined by the Plan Commission.
 - 3) No portion of a sidewalk café shall be permitted within five (5) feet of a fire hydrant, curb-cut or marked crosswalk, or any handicapped parking space.
 - 4) All activities at the sidewalk café shall be conducted so as to maintain a minimum width of four (4) feet of unobstructed public pedestrian walkway between the sidewalk café and the edge of the sidewalk adjacent to the curb and other obstructions. For the purpose of the minimum clear walkway, traffic signs, light poles, hydrants and all similar obstacles shall be considered obstructions.
 - 5) No furniture or activities in a sidewalk café shall block designated egress, ingress, or fire exits from or to any structures, including the business establishment that operates the sidewalk café.

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- 6) No person holding a sidewalk café permit may use any public property, such as light poles or other utility poles, flower planters, trees, or other amenities as a point of attachment for any ropes or other devices as part of the sidewalk café.
 - 7) The color and material of the proposed outdoor furniture should be harmonious with the principal structure and adjacent structures. The outdoor furniture should be constructed of durable materials, such as wrought iron, rather than lightweight plastic.
 - 8) No sidewalk café shall be open for business between the hours of 10:00 p.m. and 7:00 a.m. All materials and equipment forming part of the sidewalk café shall be removed from the site when the sidewalk café is not open.
 - 9) No food preparation, food or beverage storage, refrigeration apparatus, or other equipment shall be allowed in the sidewalk café unless specifically authorized as part of the approval.
 - 10) No amplified sound shall be allowed in the sidewalk café unless specifically authorized as part of the permit.
 - 11) All sidewalk cafés shall be maintained in a clean and hazard-free condition at all times. Debris shall be removed as required during the day and again at the close of each business day. All debris and refuse generated by patrons of the sidewalk café shall be disposed of in receptacles provided by the holder of the sidewalk café permit and shall not be disposed of in publicly maintained trash receptacles.
 - 12) The use of a portion of the public right-of-way as a sidewalk café shall not be an exclusive use. All public improvements, including, but not limited to, light poles, traffic signs, manholes, or any public initiated maintenance procedures, shall take precedence over said use of the public right-of-way at all times. The City Manager or his/her designee may temporarily order the removal of the sidewalk café for special events, including but not limited to parades, sponsored runs or walks, or for public health and safety reasons.
- (e) **ALCOHOLIC BEVERAGE RESTRICTIONS.** Any sidewalk café that includes the sale of alcoholic beverages shall be subject to the following additional restrictions and limitations:
- 1) A permittee may sell and serve alcoholic beverages in a sidewalk café only if the permittee complies with all the requirements for obtaining an

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alcohol beverage license, and the sidewalk café is listed on the alcohol beverage license application as being a part of the licensed premises.

- 2) Alcohol may be served at sidewalk cafés under the following conditions:
 - a) The permittee has a valid and appropriate alcohol beverage license for the principal premises;
 - b) The description of the premises in the alcohol beverage license includes the sidewalk café area in the description of the licensed premises;
 - c) The retail alcohol beverage license permits the sale of the type of alcohol beverages to be served in the sidewalk café;
 - d) Alcohol beverages are sold and served by the licensee or licensee's employees only to patrons seated at tables in the sidewalk café;
 - e) Alcohol beverages are served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances and regulations;
 - f) The permittee shall be responsible for preventing underage persons from entering or remaining in the sidewalk café area, except when underage persons are allowed to be present on the licensed premises under applicable laws;
 - g) The permittee shall not allow patrons of the sidewalk café to bring alcohol beverages into the sidewalk café from another location, nor to carry open containers of alcohol beverages served in the sidewalk café outside the sidewalk café area; and
 - h) The bar from which the alcohol beverages are dispensed shall be located indoors and shall not be located in the sidewalk café area.

(f) PROCEDURE FOR REVOCATION, SUSPENSION, OR NONRENEWAL.

- 1) In addition to any other penalty provided under this chapter, a sidewalk café permit issued hereunder may be revoked, suspended, or not renewed for a specific period of time after notice and hearing as provided herein for violation of any provisions of this chapter, violations of conditions of approval, or any other City ordinance. If the revocation, suspension or non-renewal of a cafe permit includes premises described in an alcohol beverage license, the procedures for revocation, suspension

or non-renewal of an alcohol beverage license set forth in Chapter 36 shall also be initiated.

- 2) Such hearing shall be held by the Common Council after review and recommendation by the Plan Commission. The permit-holder shall be notified in writing of the charges at least ten (10) calendar days prior to the hearing. At the hearing, the Community Planning and Development Director, or the Community Planning and Development Director's designee, shall present evidence of the alleged violation. The permit-holder shall have the opportunity to question witnesses, may call witnesses on their own behalf, and may be represented by counsel.
 - 3) After due consideration, the Common Council may suspend the permit for a period not to exceed six (6) months, or revoke or non-renew the permit for a period not to exceed one (1) year. The violator shall be notified in writing of the findings and determination of the Common Council.
 - 4) The decision of the Common Council shall be a final determination and shall be subject only to judicial review as may be provided by law. Any person aggrieved by the Common Council decision hereunder may seek judicial review thereof within thirty (30) days of the date of the final decision.
- (g) **PENALTY FOR VIOLATION.** The penalty for violation of any provision of this section shall be as provided in §1.10 of the Municipal Code.

4.08 CLEATED VEHICLES ON STREETS. No person shall operate any vehicle with tracks, lugs or cleats, or any vehicle capable of damaging the surface of any street, on any street in the City.

4.09 SHOVELING SIDEWALKS. (a) No owner of land within the City of Platteville shall allow accumulations of snow or ice on any public sidewalk within the City for more than 36 hours.

- (b) The Director of Public Works shall be responsible for seeing that all public sidewalks within the City are kept free of accumulations of snow and ice. If there is an accumulation of snow or ice on any public sidewalk within the City for more than 36 hours, the Director of Public Works shall cause the same to be removed, either directing City personnel to make such removal or by contracting with private parties for such removal. The actual cost of such removal shall be charged against the owner of the property and shall be due and payable to the City within 30 days after the work is performed. Any amounts not paid within 30 days shall bear interest at the rate of 1% per month until fully paid.

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- (c) A per parcel administration charge, in an amount as set from time to time by a resolution of the Common Council, shall be added to bills where the property owner fails to shovel the public sidewalk, requiring the City to perform the work and that any amount not paid within 30 days shall bear interest at the rate of one percent per month until fully paid.

4.10 OBSTRUCTING SIDEWALKS. No person shall allow any object to obstruct or overhang any sidewalk lower than 7 ½ feet above the sidewalk.

4.11 STREET EXCAVATIONS. (a) Permit. No person shall excavate, tear up, open or alter the area between the lot lines of any public street or alley in the City until he has obtained a permit therefore as hereinafter provided.

- (b) Application for Permit. Not less than three days prior to a proposed excavation, opening or altering of any such street or alley the person performing the work shall submit to Public Works an application therefor on a form provided by the City, which application shall include the following:

1. Statement as to purpose of proposed opening;
2. Exact location, size, and depth of opening;
3. As nearly as known the date on which said work is to be done;
4. A signed acknowledgment as to notice of the proposed opening by the following local utilities or by their duly authorized agents:
 - A. Telephone Company
 - B. Electric Light and Power Company
 - C. Gas Company
 - D. City Water and Sewer Department
5. Signature of person making application and date.

In the event of emergency, work may proceed, with permit and notification following without delay.

- (c) Bond. The person performing the work to be done on the street shall comply with Section 66.0425, Wisconsin Statutes, and shall, as part of such compliance, have or place on file with the City Clerk a bond in the amount as set from time to time by

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a resolution of the Common Council running to the City of Platteville to secure the performance of the requirements of this section.

By Section 66.0425, Wisconsin Statutes, public service corporations organized under Chapter 185 and cooperative associations organized under Chapter 185 to render or furnish telephone, gas, light, heat or power are not required to file said bond.

- (d) **Approval or Disapproval of Application.** Upon filing the above described application and bond with the City Clerk, the Clerk shall present the application to the Director of Public Works, or his agent, who shall, after investigation thereof, endorse thereon his approval or disapproval as the case may be and return same to the City Clerk. Disapproval by the Director of Public Works or his agent shall be only for good and sufficient cause and he shall indicate his reasons for such disapproval on the application. In case of disapproval, the Director of Public Works or his agent may subsequently approve the application upon the removal or correction of the reason for such disapproval, or the applicant may on a change in the circumstances affecting such disapproval submit further application. The Director of Public Works or his agent may disapprove issuance of a permit to any individual who has not complied with the conditions of this section under a previously issued permit.
- (e) **Permit Fee.** Upon the return of the application form to the City Clerk, the Director of Public Works or his agent shall notify the applicant of the action thereon, and if it has been approved, the Clerk shall thereafter issue such permit. The permit fee in the amount as set forth from time to time by a resolution of the Common Council shall be included in the back filling cost set forth in Section 4.11(g). The estimated cost of back filling and street repair shall be provided at the time the permit is issued.

By Wisconsin Statutes 66.0425, public service corporations organized under Chapter 185 are not required to pay the permit fee.

- (f) **Street Restoration Specifications.** Street Restoration specifications shall be kept on file in the office of the Director of Public Works. All work done shall adhere to these specifications and any other requirements ordered by the Director of Public Works.
- (g) **Back Filling of Water/Sewer Trenches.** The back filling of water and sewer trenches in City streets shall be done by the City. The actual cost of such back filling shall be charged against the owner of the property and shall be due and payable to the City within 30 days after the work is performed. The Permit Fee shall be included in such cost. Any amounts not paid within 30 days shall bear interest at the rate of 1% per month until fully paid. Back filling shall start at a point two feet back of the curb; or where no curb exists, from a point two feet back of the traveled way; granular materials shall be used and machine tamped in place and the street surface restored to its original condition. Thereafter, any maintenance or repair of the street at the site of the excavation shall be at the City's expense.

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- (h) Utilities. Any utility whose acknowledgment as to notice is required by this section shall forthwith notify the Director of Public Works or his agent in writing as to any particular problem raised by the proposed opening or excavation, and the Director of Public Works or his agent is authorized to take any such special problem into consideration when passing upon the application.
- (i) Hearing. Any person aggrieved by the action of any City official in carrying out his duties under the provisions hereof may have said grievance heard before the Common Council, which shall have by majority vote the power to approve such action complained of or to make such changes therein as will fairly carry out the terms and intent of this section. Any such action by the Common Council concerning such administration of this section shall be final insofar as the City has the power to deal with and enforce the terms hereof.
- (j) City Work. The provisions of this section shall not be construed to apply to the City in either its proprietary or governmental capacity in connection with any necessary street excavations.

4.12 (Deleted)

4.13 CONSTRUCTION, REMOVAL, REPLACEMENT OR REPAIR OF SIDEWALKS.

- (a) Statute Adopted. The provisions of Chapters 66.615 and 66.616, Wisconsin Statutes, relating to sidewalks and any subsequent amendments to said chapters are hereby adopted and by reference made a part hereof as if fully set forth herein. The following rules are adopted under the provisions of section 66.615(7), for carrying the aforesaid provisions into effect, for regulating the use of the sidewalks of the City and preventing their obstruction.
- (b) Owner to Construct. It shall be the duty of the abutting owner to build and construct sidewalks along or upon any street, alley or highway in the City of Platteville and to pay the entire cost thereof as required by the Common Council.
- (c) City to Maintain and Repair. It shall be the responsibility of the City to maintain, replace and repair damaged sidewalk. The Public Works Director is authorized to direct an annual repair program consistent with budgetary appropriations. However, the property owner shall be responsible for sidewalks damaged by the property owner, agent or contractor working on behalf of the property owner. Unless waived specifically by the Common Council on a case-by-case basis, the owner of tax-exempt property shall continue to bear the responsibility for sidewalk repairs, maintenance and construction.
- (d) Permit Required. No person shall hereafter lay, remove, replace or repair any public sidewalks within the City of Platteville unless he is under contract with the

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City to do such work or has obtained a permit therefor from the Director of Public Works at least seven days before work is proposed to be undertaken. No fee shall be charged for such permits.

- (e) Sidewalk Grade. The grade of all sidewalks shall be established by the Director of Public Works before any excavation or construction work is performed, and no person shall alter the grade of any sidewalk unless authorized by the Director of Public Works.

No person shall fill, excavate, or construct or place any obstruction in a street right of way without prior authorization by the Director of Public Works. Any such filling, excavation, construction or obstructions of the street right of way made without the authorization of the Director of Public Works shall be removed or replaced and the cost thereof assessed to the property owner.

- (f) Specifications. The Director of Public Works is hereby authorized to prepare specifications for all work to be done concerning the construction, removal, replacement or repair of sidewalks, same to be subject to approval by the Common Council and when so approval shall be applicable for all of such sidewalk work. The specifications shall be kept on file in the office of the City Clerk. Sidewalks shall be a minimum of 4' in width.

- (g) Installment Payments. The expenses of laying, removing and repairing sidewalks or replacing fill, or removing construction, excavation or obstructions in or upon the street right of way, to be charged against each lot owner under the provisions of Section 66.615(3)(f) and Section 66.615(7) of the Wisconsin Statutes shall, where the amount thereon is \$100 or over, at the option of the property owner, be payable in annual installments, such deferred payments to bear interest at the rate established by the Common Council. Each such installment shall be entered on the tax roll in the manner provided by state statutes for the successive years to which such installment payments shall apply. After sidewalks have been laid, removed or repaired and when the expenses of such laying, removing or repairing are to be charged against each lot, the Common Council shall, by resolution, set the time or times at which payment or payments for such work shall be made. Where an option for installment payments shall be exercised the funds to pay for such construction or repairs, or the funds to reimburse the account of the City which may have paid for same, shall be taken from the General Fund and such installment so paid shall be returned to said General Fund.

- (h) Entry on Tax Roll. The Common Council may, without any notice or hearing of any kind, authorize the entry of such construction or repair expense in the tax roll as a special tax against the property subject thereto whenever notice thereof is in writing waived by the owners of the property affected thereon.

- (i) Policy Regarding Construction, Removal, Replacement or Repair. It shall be the policy of the City of Platteville to direct the construction of sidewalks within public

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right-of-ways or easements along collector and arterial streets or within 1/8 of a mile of public facilities such as parks, schools, medical services, university or housing for special needs populations. The Common Council shall make the determination of projects and the timing of construction.

The Common Council will adopt a map showing those streets which will ultimately have sidewalks. The map may be revised from time to time, and will be maintained by the Department of Public Works.

The Common Council shall give the highest priority to repairs of existing sidewalks.

Sidewalks may be built on one or both sides of the street and may not necessarily be continuous on one side if prudent to avoid obstacles.

- (j) Any person constructing a permanently surfaced driveway or service walk shall obtain a permit from the Department of Public Works, which permit will be issued without charge. Any driveway or walk constructed across the proposed sidewalk area of the right of way shall include a public sidewalk section across the drive or walk.
- (k) Any person or persons violating the provisions of this section shall, upon conviction thereof, pay a forfeiture of not less than \$50.00 nor more than \$200.00, plus court costs, fees and assessments. Each day that a violation of this section shall continue shall be deemed a separate offense.

4.14 CURBS AND GUTTERS. (a) The size, shape and construction of all curbs and gutters, or of curb without gutters, as the case may be, shall be in accordance with the plans and specifications for the same as approved for such construction by the Director of Public Works.

- (b) Whenever a space is left between the sidewalk and the curb, like space shall be neatly graded from the top of the walk to the top of the curb, and the grass thereon kept short by the owner of the abutting property at his expense. In the event of the neglect or refusal of the owner to so do, the City may cause to be done all such work and charge the cost thereof against the property. No trees, shrubs, poles, tie posts, or other such obstructions shall be placed thereon without the consent of the Director of Public Works.

4.15 MAILBOXES ON PUBLIC RIGHT OF WAY. No person shall place, construct or erect a mailbox or other container for receiving mail, circulars or newspapers within the right of way of any street or alley within the City of Platteville unless such mailbox or container is placed on the boundary line between those lots abutting such right of way or as close thereto as may be practicable.