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CHAPTER 95: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 95.01 SIDEWALK AND GUTTER REPAIRS RESPONSIBILITY OF ABUTTING PROPERTY OWNER; ACTION BY CITY.

(A) All sidewalks, either newly constructed, replaced or repaired in the city shall be made in conformity with the provisions of this section, and the grades, plans, profiles and specifications furnished by the City Engineer and on file in the City Clerk=s office, as adopted and approved by the Common Council.

(B) When any sidewalk within the city is or becomes out of repair so as to render it unsafe, unfit or inconvenient for passage thereon by pedestrians, the Board of Public Works and Safety shall notify the owners of the abutting property of the defect in such sidewalk, and if not repaired, relaid or replaced as directed within a reasonable time, not to exceed 30 days, the Board of Public Works and Safety shall then present a resolution to the Common Council ordering such sidewalk improved as provided by the laws of the state and the ordinances of the city, and the Council shall take such action as it deems proper.

(C) For the purposes and within the purview of this section, the determination of the Board of Public Works and Safety as to the necessity of the repair, relaying or replacing of any such sidewalk to render it safe, fit or convenient for passage thereover by pedestrians shall be conclusive so far as the city is concerned. ('79 Code, § 18-1) (Ord. 3, passed 5-31-1893; Am. Ord. 2000-13, passed 8-1-00) Penalty, see § 95.99

§ 95.02 RESPONSIBILITY OF ABUTTING PROPERTY OWNERS OR OCCUPANTS TO REMOVE DIRT, RUBBISH, ICE AND SNOW FROM SIDEWALKS.

It shall be the duty of any owner, tenant or occupant of any lot or land within the city to remove from the sidewalk and gutter along such premises kept by such tenant or occupant all dirt, manure, paper or vegetable matter of any kind which may accumulate in or be thrown upon such sidewalk or in such gutter, and all snow and ice which may accumulate upon such sidewalks.

('79 Code, § 18-2) (Ord. 3, passed 5-31-1893) Penalty, see § 95.99

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§ 95.03 KEEPING CELLAR DOORS OPEN AT NIGHT.

Any person owning, keeping or controlling any cellar, the door of which may be in or on any sidewalk, street, lane or public alley in the city, and who shall cause or permit the same to remain open between twilight of any given evening and daylight of the next ensuing morning, shall be guilty of a misdemeanor. ('79 Code, § 18-3) (Ord. 3, passed 5-31-1893) Penalty, see § 95.99

§ 95.04 REMOVAL OF EARTH, STONE OR GRAVEL.

It shall be unlawful for any person to take or cause to be taken any earth, stone or gravel from any street, alley or sidewalk in the city without permission to do so from the Common Council; provided that the provisions of this section shall not apply to any person who shall temporarily remove any dirt, gravel, brick or stone from any street or sidewalk for the purpose of constructing any building on permission of the proper officers of the city. ('79 Code, § 18-4) (Ord. 8, passed 5-31-1893)

§ 95.05 BURNING LEAVES AND RUBBISH ON PAVED STREETS PROHIBITED.

It shall be unlawful for any person to cause or suffer any leaves or rubbish to be placed in or upon the paved streets in the city and burned thereon. ('79 Code, § 18-5) (Ord. 43, passed 11-26-07) Penalty, see § 95.99

§ 95.06 PERMITTING OIL, GASOLINE OR KEROSENE TO DRIP ON PAVED STREETS PROHIBITED.

It shall be unlawful for any person, either the owner or driver of any vehicle, to suffer or permit oil, gasoline or kerosene to run or drip therefrom upon the asphalt pavement in the city. ('79 Code, § 18-6) (Ord. 43, passed 11-26-07) Penalty, see § 95.99

§ 95.07 AWNINGS PROJECTING OVER SIDEWALKS.

All awnings projecting over the public sidewalk shall be constructed of cloth, and the frames shall be elevated at least eight feet and the curtain at least seven feet at the lowest part thereof above the sidewalk, and shall not project over the sidewalk to exceed eight feet. They shall be supported without posts, by iron brackets or an iron framework firmly attached to the building so as to leave the sidewalk entirely unobstructed thereby. ('79 Code, § 18-7) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

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§ 95.08 LOADING AND UNLOADING MERCHANDISE FROM SIDEWALKS.

No person receiving or delivering goods, wares or merchandise shall place or keep upon, or suffer to be placed or kept upon any sidewalk in the city, any such goods, wares or merchandise, without leaving a passageway for pedestrians at least eight feet in width, and no person receiving or delivering such goods shall suffer the same to remain upon any sidewalk for longer than three hours.
(79 Code, § 18-8) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

§ 95.09 BUILDING MATERIALS PROHIBITED ON SIDEWALKS.

It shall be unlawful for any person to throw or allow to remain, material of any kind upon any sidewalk in the city while building, erecting or repairing any building or place fronting or bordering thereon.
(79 Code, § 18-9) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

§ 95.10 DISCHARGE OF WATER OVER SIDEWALKS.

It shall be unlawful for the owner or occupant of any building to cause or allow the water pipes or spouting conducting water from such building to discharge upon or over the adjoining sidewalks.
(79 Code, § 18-10) (Ord. 214, passed 5-22-14) Penalty, see § 95.99

EXCAVATIONS

§ 95.15 SUPERVISION.

All excavations in the public streets or alleys shall be made under the supervision of the Board of Public Works and Safety.
(79 Code, § 18-22) (Ord. passed 5-15-56) Penalty, see § 95.99

§ 95.16 MINIMUM INCONVENIENCE TO PUBLIC.

All excavations in the public streets and alleys shall be so excavated that a minimum inconvenience to the public shall result, and shall be left in a condition to afford proper storm drainage.
(79 Code, § 18-23) (Ord. passed 5-15-56) Penalty, see § 95.99

§ 95.17 WARNING LIGHTS AND BARRICADES.

Red lights or flares shall be kept around excavations and lighted from sunset to sunrise at all unfinished work and sufficient barricades to prevent accidents shall be placed around the excavation at all times.

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('79 Code, § 18-24) (Ord. passed 5-15-56) Penalty, see § 95.99

§ 95.18 BRACING.

Trenches or excavations made in sloughing or water-bearing soils and trenches and excavations five feet or more in depth made in the immediate vicinity of the foundations of buildings or other foundations shall be sheathed and braced.

('79 Code, § 18-25) (Ord. passed 5-15-56) Penalty, see § 95.99

§ 95.19 BACKFILLING AND RESTORATION OF SITE.

When an excavation has been made and the work is completed the permittee at his expense shall without delay backfill the excavation by thorough tamping or such other method required by the Board of Public Works and Safety and shall repave the traveled portion of the street or alley and re-sod or reseed the parkway so as to restore the street or alley to its original condition, and should any settling of the street or alley occur within one year after the same has been filled, shall remove the pavement and refill the excavation and repave in order to restore the site to its original condition all under the direction of the Board of Public Works and Safety. The holder of the permit shall further remove all dirt and debris remaining after the restoration of the site. ('79 Code, § 18-26) (Ord. passed 5-15-56) Penalty, see § 95.99

PERMIT FOR EXCAVATION

§ 95.25 PERMIT REQUIRED.

No excavation shall be made in any street or alley in the city by any person until and unless they have obtained a permit under this subchapter.

('79 Code, § 18-35) (Ord. passed 5-15-56) Penalty, see § 95.99

§ 95.26 APPLICATION.

Any person that desires to excavate into, under or along a public street or alley in the city shall first make application in writing to the Board of Public Works and Safety, designating in such application the purpose for which the excavation is to be made, the size and number of such excavations and such other information as the Board of Public Works and Safety shall require and stating therein that all the terms and conditions of this chapter will be complied with, in making such excavations and the repairs of the surfaces or pavements on the street or alley. The Board of Public Works and Safety shall make recommendations to the Clerk-Treasurer of the city accordingly.

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('79 Code, § 18-36) (Ord. passed 5-15-56)

§ 95.27 BOND PREREQUISITE TO ISSUANCE.

(A) Before a permit shall be issued by the Clerk-Treasurer under this subchapter, any person applying for such permit shall give, execute and deliver a bond to the city which, except as hereinafter provided, shall be in the penal sum of \$10,000 with surety to be approved by the Clerk-Treasurer and conditioned upon the faithful performance and compliance with this chapter.

(B) Except as hereinafter provided, any person may furnish the bond referred to in division (A) above, upon annual basis, and which shall be binding upon any permit subsequently issued during the year, to the applicant; provided that the annual bond shall be in the sum of \$50,000.

(C) The bond limit, provided in division (A) above shall be inapplicable to projects involving more than 300 lineal feet of excavation in streets or alleys. Projects involving more than 300 lineal feet of excavation shall require a bond equal to \$5,000 for each 300 feet or fraction thereof. A permit may not be issued under an annual bond for a project involving more than 1,000 lineal feet of excavation in streets or alleys.

('79 Code, § 18-37) (Ord. passed 5-15-56)

§ 95.28 CERTIFICATE OF WORKMAN'S COMPENSATION PREREQUISITE TO ISSUANCE.

No permit shall be issued to any applicant under this subchapter until a certificate is furnished showing the applicant carries workman's compensation insurance, unless the applicant is an individual or partnership and will perform the work without the services of any employees.

('79 Code, § 18-38) (Ord. passed 5-15-56)

§ 95.29 ISSUANCE.

Upon the bond being furnished under § 95.27, and upon compliance with § 95.28, and upon the permit being approved by the Board of Public Works and Safety the Clerk-Treasurer shall issue a permit. ('79 Code, § 18-39) (Ord. passed 5-15-56)

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HOUSE NUMBERING

§ 95.35 HOUSE NUMBERING REQUIRED.

All houses and lots in the city shall be designated by number as provided in this subchapter, the numbers to be of the kind, size and character specified herein and to be placed in a conspicuous place on the building or structure located on each lot or parcel of ground in the city.

('79 Code, § 18-61) (Ord. 219, passed 7-16-14)

§ 95.36 NUMBERING SYSTEM.

On all streets running north and south the numbers of lots shall begin with 100 at King Street and shall increase north and south from such street at the rate of 100 numbers to each block or space between streets, beginning each consecutive 100 at each street intersection. On all streets running east and west the numbers of lots shall begin with 100 at Randolph Street and shall increase east and west from such street at the rate of 100 numbers to each block or space between streets, beginning each consecutive 100 at each street intersection. One number shall be allotted to each lot as the same shall be platted excepting in cases where two or more dwellings shall be located upon the same lot, when each dwelling or edifice shall have a separate number. Odd numbers shall be allotted to properties on east and south sides of streets, and even numbers to properties on north and west sides of streets.

('79 Code, § 18-63) (Ord. 219, passed 7-16-14)

OBSTRUCTING FREE PASSAGE OF PEDESTRIANS

§ 95.45 PURPOSE.

The obstruction of sidewalks and streets, disorderly, insolent or scandalous behavior, lounging upon streets, sidewalks, or in vehicles in the vicinity of business establishments, and similar misconduct by idlers and loiterers in the city impedes pedestrians and vehicular traffic on the sidewalks, streets and public ways, and annoys and disturbs shoppers, merchants, and others desiring to conduct business and other legitimate pursuits in the city, all to the detriment of the city in general, and to business establishments therein in particular.

(Ord. 61990, passed 6-19-90) Penalty, see § 95.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

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§ 95.46 OBSTRUCTING STREET, SIDEWALK AND THE LIKE PROHIBITED.

(A) A person shall not lie, lounge or sit, either directly or on a chair, box or other object; on any street, alley, sidewalk, curb, gutter, public right-of-way; or in any driveway open to the public; or in any doorway, entrance, or passage of forwarding entrance or exit by the public into or from any building or into or from any unimproved lot, regardless of whether such building or establishment or unimproved lot is open for business or not, nor shall a person congregate with others in such places so as to physically obstruct by his or her actions or behavior, presence, or location, the unimpeded passage by others.

(B) A person shall not lie, lounge, sit, lounge upon or hang upon or from the exterior of any automobile, motorcycle, bus, truck, motor vehicle or vehicular trailer while such vehicle is stopped or parked, in such a manner as to physically obstruct by his or her actions or behavior, presence or locations, the unimpeded passage by others.

(Ord. 61990, passed 6-19-90) Penalty, see § 95.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 95.47 BOARD OF PUBLIC WORKS AND SAFETY MAY SUSPEND PROVISIONS; EXCEPTIONS.

(A) The Board of Public Works and Safety is empowered to suspend the provisions of this subchapter, or particular prohibitions thereof, generally or in certain areas only, when, in connection with carnivals, public activities, celebrations, and other public events, such suspension is warranted in the discretion of said Board.

(B) The prohibitions in this subchapter shall not apply during or immediately prior to any public parade or other public celebration at the site of such parade or celebration for which parade or celebration the proper governmental agency has granted permission.

(C) The prohibitions contained in this subchapter shall not apply to personnel of business establishments during a sidewalk sale or other events and activities for which permission has been granted by the proper governmental agency of city. (Ord. 61990, passed 6-19-90)

§ 95.48 ENFORCEMENT.

Each and every police officer of the city is authorized to enforce this subchapter and may do so by issuing a traffic summons or other appropriate

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summons to any offender. If the offender is not a resident of the state, the offender may be required to post a bond in an amount not exceeding \$500, notwithstanding his written promise to appear in court.

(Ord. 61990, passed 6-19-90)

§ 95.99 PENALTY.

(A) Every person violating any provision of this chapter shall be fined \$30 per violation.

(B) Each and every day a violation of any provision of this chapter is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(Ord. 61990, passed 6-19-90; Am. Ord. 52191-1, passed 5-21-91; Am. Ord. 2002-39, passed 12-3-02)