

- (2) In case of emergencies such as ruptured mains, cables or anything where digging must take place immediately, all utilities may be notified by telephone and informed as to the location of the work as an alternative to the procedure in Section 6.2.4(a).
- (j) **Excavation in New Streets Limited.** Whenever the City determines to provide for the permanent improvement or repaving of any street, such determination shall be made not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination, the City shall notify in writing each person, utility or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within thirty (30) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Common Council, or committee thereof, conditions exist which make it absolutely essential that the permit be issued. Every effort shall be made to place gas, electric, telephone and television cable lines in street terraces.
- (k) **Repair by City.** The City may elect to make the pavement repair for any street or sidewalk opening, in which case the cost of making such repair and of maintaining it for one year shall be charged to the person making the street opening. In the event such charges are not paid within ninety (90) days of actual notice of the same having been furnished the applicant and owner of the premises for which said permit was issued, it shall become a lien against said premises and thereafter be assessed and collected as a special tax.

Cross-Reference: Section 6.2.21, Regulations Regarding Occupancy of Streets by Utilities.

Section 6.2.6 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/she 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 street privilege permit under Section 6.2.7 pursuant to Sec. 66.0425, Wis. Stats.
 - (2) Building materials for the period authorized by the Common Council, Common Council, or authorized designee, 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 6.2.4 and 6.2.5 of this Code.

- (4) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.
 - (5) Public utility encroachments duly authorized by state law or the Common Council.
 - (6) Temporary obstructions authorized by permit pursuant to 6.2.7, or warning pursuant to 6.2.6(c) or (d).
 - (7) Goods, wares, merchandise, or fixtures being loaded or unloaded which do not extend more than three (3) feet on the sidewalk, provided such goods, wares, etc., do not remain thereon for a period of more than two (2) hours.
 - (8) Signs attached to buildings permitted by the City's Sign Code, and which do not extend below any point ten (10) feet above the sidewalk, street or alley.
- (c) **Removal by City for Sidewalk Obstructions and Encroachments.** In addition to any other penalty imposed, if any City enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he/she shall 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.
- (d) **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 the Chief of Police, City Administrator or Building Inspector determines that a City street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he/she shall 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.
- (e) **Failure to Remove Obstruction.**
- (1) If the owner or occupant fails to remove the obstruction within the time period established in Subsections (c) or (d) respectively, the Council shall 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 shall enter those charges onto the tax roll as a special tax as provided by the Wisconsin Statutes.
 - (2) The failure of the City Clerk 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.

Section 6.2.7 Street Privilege Permit.

- (a) **When Required.** Permits for the use of the streets, alleys, sidewalks or other public ways or places of the City may be granted to applicants by the City Administrator for the purpose of moving any building or structure or of encumbering the street, alley, sidewalk or way with materials necessary in and about the construction or demolition of any building or

structure (including the placement of dumpsters on right-of-ways), provided such applicant has complied with the other requirements of this Section and has obtained a building permit if required by this Code of Ordinances. The City Administrator may request advisory recommendations from the Chief of Police and Building Inspector prior to issuance of the permit. City officials may attach conditions to the permit, including proof of liability insurance.

- (b) **Bond.** No street privilege permit shall be issued until the applicant shall execute and file with the City Clerk an agreement that the applicant will indemnify and save harmless the City from all liability for accidents or damage caused by reason of operations under said permit and will remove such encumbrance upon termination of the operations and will leave the vacated premises in a clean and sanitary condition and repair any and all damage to the streets, alleys, sidewalks or public property of the City resulting from such building or moving operations. As such time, evidence of liability insurance as prescribed in Section 6.2.4(g) shall also be filed.
- (c) **Fee.** There shall be a fee set by resolution and amended from time to time by the Hillsboro City Council for a street privilege permit.
- (d) **Conditions of Occupancy.** The permission to occupy or obstruct the streets, alleys, sidewalks or public grounds is intended only for use in connection with the actual erection, alteration, repair, removal or moving of buildings or structures and shall be given upon the following terms and conditions and subject to revocation without notice by the Building Inspector, Chief of Police or City Administrator for violation thereof:
 - (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
 - (4) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (5) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (e) **Termination.** All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Common Council.
- (f) **Removal by City.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Common Council to do so, it shall be the duty of the City to remove such obstruction and make return of the costs and expenses thereof to the City Clerk who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

State Law Reference: Sec. 66.0425, Wis. Stats.

Section 6.2.8 Snow and Ice Removal.

- (a) **Removal From Sidewalks.** The owners or occupants of any building or buildings, lot or lots, or any part thereof, or of any premises within the City of Hillsboro are required to remove snow and ice from the sidewalks adjacent thereto to the full width thereof within twenty-four (24) hours after it has stopped snowing. Whenever the surface of any such sidewalk shall become slippery from any cause so as to render it dangerous to travelers, such owner or occupant, or either of them, shall remedy such slippery condition by removing the icy surface therefrom or by causing such surface to be sprinkled with sand or salt, or by other effective means, within twenty-four (24) hours after snow has ceased.
- (b) **Failure to Remove.** In case of failure or neglect of any owner or occupant of any land or parcel of land to remove the snow from sidewalks as specified in Subsection (a) within the time set forth in said Subsection, the City Administrator may remove or cause the snow to be removed from any and all sidewalks and cross-sidewalks that may be so neglected by the owner or occupant, and a fee established by the Common Council shall be assessed against the owner or occupant for the cost and expense of moving such snow. The fee will be charged against the respective lots and parcels of land adjacent to which said work shall be done, as a special tax, and such sum or sums shall be collected in the same manner as other special taxes. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within thirty (30) days after such costs and expenses are incurred and remain unpaid, the Clerk shall enter those charges onto the tax roll as a special tax as provided by Sec. 66.0703, Wis. Stats.
- (c) **Prohibited Placement.** Except as provided herein, no person shall deposit or cause to be deposited any snow or ice taken and removed from his/her premises or elsewhere upon any sidewalk, alley, parkway, public place or street in the City, provided however, that the person, firm, or corporation depositing such snow shall, within one (1) hour thereafter, cause the same to be removed from such street.
- (d) **Snow and Ice as Nuisance.** The deposit of any snow or ice upon any sidewalk, alley or street of the City contrary to the provisions of this Chapter shall be and is declared to be a nuisance, and in addition to the penalty provided for violation of this Section, the City may similarly remove any snow or ice so deposited and cause the cost of said removal to be charged to the owner or occupant of the property from which said snow or ice has been removed.
- (e) **Private Driveways; Alleyways.** The requirements imposed by this Section shall furthermore extend to private driveways and to unmaintained alley ways crossing or abutting the person's property. Each owner, occupant or person in charge shall clear and maintain a pedestrian passageway across such driveways or alleys continuing in line with the existing sidewalk. In the event the driveway or alley is entirely located upon or within

the person's property, the person shall be responsible for maintaining such passageway across the entire width of the driveway or alley. In the event such alley merely abuts the person's property, each abutting owner, occupant, or person in charge shall be responsible for maintaining such passageway across one-half (1/2) the width of the alley.

- (f) **Penalties.** In addition to the liability of the owner or occupant of lands under Subsection (b), the penalty for violation of any provision of this Section of the Code will be a penalty as provided in Section 1.1.7. A separate offense shall be deemed committed for each day of which a violation of this Section occurs or continues.

State Law Reference: Secs. 66.0703 and 66.0907, Wis. Stats.

Section 6.2.9 Terrace Areas.

- (a) **Definition.** The definition of "terrace" shall be as defined in Section 6.4.2(e).
- (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. Basketball backstops, statuary, structures, flag poles and other objects shall not be placed in the terrace area.
- (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/her tenant, the terrace directly abutting such land as provided in this Section and elsewhere in this Code. Every owner shall keep mailboxes and hydrants located on a terrace free and clear of snow.

Cross-Reference: Title 6, Chapter 4.

Section 6.2.10 Vaults.

All vaults and cisterns under sidewalks shall be prohibited.

Section 6.2.11 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 15th to be considered for installation in the following year.

Section 6.2.12 Unlawful Dumping on Streets.