

Chapter 62

**STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

- Sec. 62-1. Penalty for violation of chapter.
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- Sec. 62-6. Opening, repairing and replacing of sidewalks.

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**\*Cross references**—Any ordinance for the establishment of grades, curblines and widths of sidewalks in the public streets and alleys saved from repeal, § 1-5(2); any ordinance for the lighting of streets and alleys saved from repeal, § 1-5(5); any ordinance for the naming and changing of names of streets, alleys, public grounds and parks saved from repeal, § 1-5(6); any ordinance for tax and special assessments levies saved from repeal, § 1-5(9); buildings and building regulations, ch. 14; library, ch. 42; obstructing streets and sidewalks, § 50-7; parks and recreation, ch. 54; subdivisions, ch. 66; traffic and vehicles, ch. 70; zoning, ch. 74.

**Sec. 62-1. Penalty for violation of chapter.**

Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject to section 1-8 of this Code.

(Code 1987, § 8.10)

**Sec. 62-2. Road names.**

In accordance with Wis. Stats. § 81.01(11), which requires the assignment of names for each road under the town's jurisdiction, road names are assigned, and such names are on file in the office of the clerk.

(Code 1987, § 8.02)

**Sec. 62-3. Deposit of refuse upon streets and sidewalks.**

(a) No person shall cast, place, deposit or cause to be cast, placed or deposited upon any street, alley, sidewalk, gutter or public grounds within the town any timber, wood, lumber, ashes, rubbish, paper, vegetables, shavings, grass, earth or any substance whatever which may obstruct any street, alley, sidewalk, gutter or public grounds or impede travel thereon, or which shall or may injure or tend to injure or disfigure or render the same unclean or a nuisance, nor shall any person cause or permit any wagon, carriage, motor car or any other vehicle or any box, crate, bale, package, merchandise or other thing to stand or be in or upon any street, alley, sidewalk, gutter or public grounds longer than may be actually necessary for temporary business purposes.

(b) If any substance or material whatever, mentioned in subsection (a) of this section, shall be found remaining on any street, alley, sidewalk, gutter or public grounds in the town in violation of subsection (a) of this section, the police officer shall immediately notify and require, by written notice, any person who may have placed, caused or permitted to be placed such substance or thing upon any such street, alley, sidewalk, gutter or public ground or who may be the owner or have control of any such articles or property, to immediately remove such thing or substance or cause the same to be removed. If such person shall neglect or fail to remove, or cause to have removed, such substance or thing, within a reasonable time after being notified, such officer shall remove or cause the substance or thing to be removed from such street, alley, sidewalk, gutter or public ground to some convenient or safe place within the town at the expense of such person. If such substance or thing is of such a nature that it is of an immediate risk to the public health or safety, it shall be burned or disposed of in such a manner so as to protect the safety or health of the public, and in all cases the expense of such removal may be recovered from any person whose duty it shall have been to remove the substance or thing.

(c) This section shall not apply to any person who places, hangs or sets out for sale any goods, wares or merchandise on or over the sidewalk in front of and within three feet of his store or building if such use does not unreasonably interfere with the use of such street, alley, sidewalk or public ground by the public in general.

(d) The chair may grant to any person a permit in writing for a limited time to place and keep building material upon any street, sidewalk or alley in front of or abutting any lot wherein such materials are to be used in the erection or repair of any building or improvements, but such permit shall not authorize the obstruction of more than one-third of the street in front of such lot, nor shall such material be placed to obstruct the free flow of water in the gutter, and any person who shall place or deposit any such material without a permit from the chair or contrary to the terms of such permit after it has been granted, shall be subject, upon conviction, to a penalty. The fee for such permit shall be as provided in section 2-301.

(Code 1987, § 8.03)

**Cross reference**—Solid waste, ch. 58.

**Sec. 62-4. Obstructions of streets; excavations and closures.**

All obstructions of streets, alleys, sidewalks or crosswalks, all closures, all excavations in or under the streets, alleys, sidewalks or crosswalks, except as permitted by this Code, but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose of such obstruction or excavation has been accomplished or which do not conform to the permit.

- (1) *Street closure application for permit—Town streets/roads—Non-DOT closure.* An application form, which shall become the permit if approved by the town board, and shall be submitted and include the following: permittee, address, telephone number, date, name, times, location and purpose of the event as well as a map identifying the streets or roads involved. In the event the permit is not pulled in a timely manner, it may be approved at the discretion of the chief of police or town clerk.
- (2) *DOT-street closure application for permit—Town streets/roads—DOT closure.* Two applications are required for this form, which shall become the permit if approved by the DOT and the town board, and shall be submitted and include the following: permittee, address, telephone number, date, name, times, location and purpose of the event as well as a map identifying the streets or roads involved. In the event the permit is not pulled in a timely manner, it may be approved at the discretion of the chief of police.

(Code 1987, § 10.05(11); Ord. of 10-7-2014)

**Sec. 62-5. Snow—Plowing, clearing and removal.**

Plowing, clearing and removal of snow and ice from all town roads, and from sidewalks in the sanitary district, during the snow season, shall be a joint responsibility of both the town and its residents, citizens, land owners and business owners.

- (1) *Resident, citizen, land owner and business owner—General responsibilities and duties.* No resident, citizen, land owner or business owner:
  - a. May place or cause to be placed upon any town road or highway, or sidewalk, snow in such amounts that is or may be injurious to a person or vehicle (Wis. Stats. § 346.94(5)). The penalty for each cited offense shall be \$50.00 (Wis. Stats. § 346.95(3)).

- b. May place or cause to be placed in any town road or highway ditch, snow in such amounts that does or could prevent drainage (Wis. Stats. § 86.022). The penalty for each cited offense shall be \$50.00 (Wis. Stats. § 346.95(3)).
  - c. Cause damage to town roads or highways due to improper snow plowing and removal activities (Wis. Stats. § 86,02). Liability extends to the cost of repairing the damaged road or highway. Residents, citizens, land owners and business owners who are absent during part or all of the snow season must make provisions for compliance with snow plowing, clearing and removal responsibilities and duties.
- (2) *Removal of snow and ice from sidewalks—Town responsibilities and duties.* After all town roads have been maintained, the town shall assist business owners by removing excess snow from sidewalks in the business district (Superior Street, from STH 32 to USH 45, and to USH 45 from Superior Street to Anderson Street) where there is insufficient open landscape for business owners to stockpile snow from the sidewalk area. Residents, citizens, land owners, and business owners are still responsible for snow and ice removal. The town shall attempt to remove snow from sidewalks along the W. School Street and E. School Street corridors, as well as Erie Street, School Drive and on Superior Street from USH 45&32 to Batogowski Drive in order to ensure safe passage of students to and from school, and of pedestrians accessing governmental buildings.

(Code 1987, § 8.04; Ord. of 3-16-2010; Ord. of 2-3-2015; Ord. of 5-17-2017)

**Sec. 62-6. Opening, repairing and replacing of sidewalks.**

(a) Any person owning any building in the town, having an area of open space between the building and the sidewalk or extending into the sidewalk, shall keep the open space covered by an iron grating or surrounded on the sides by a railing or barrier at least two and a half feet high, except in case of stairways leading from the sidewalk to the basement, they shall have a sufficient railing or barrier at least two and a half feet high on three sides.

(b) Whenever in the digging of cellars or basements, or the repairing and improving of cellars or basements relative to the construction or repair of any building in the town, or in the digging of any sewer or other excavation which shall go to or extend under any sidewalk or shall be near the sidewalk so that such sidewalk shall be dangerous for the passage of persons, the owner of such lot and any person who shall make improvements or do work on such lot shall erect and keep sufficient barriers between the excavation and the sidewalk and a red light in a conspicuous place on such barrier all night while the excavation is open.

(c) No person shall be allowed to take up or remove the whole or any part of any sidewalk, curb, gutter, parking lanes without the authorization of the town board.

(Code 1987, § 8.05; Ord. of 7-7-2015)