

Application for Permit To Place Fixtures on City of Spooner Sidewalk

Section 62-3 Municipal Code

Name and Address of Applicant:

Address of Fixture to be placed:

Description of proposed fixture to be placed on sidewalk, other details or sketches:

Issuance of this permit shall not be construed as a waiver of the applicant's obligation to comply with other restrictions, or requirements imposed by local ordinances and zoning. The applicant acknowledges that he has read the conditions of Issuance attached to this application and he agrees to comply with all restrictions and conditions. The City of Spooner reserves the right to revoke the permit at the owner's expense in case of failure to comply with attached conditions.

This permit does not allow the serving or consumption of alcohol on public property.

The applicant shall provide an insurance certificate listing the City of Spooner as an additional insured. This permit expires at calendar year end from approval.

Signature of Applicant

Date

Approved by City of Spooner (meeting date) _____

City Clerk-Treasurer

Date

Permit Number: _____

Conditions of Issuance:

Sec. 62-3. Obstructions and encroachments.

- (a) **Prohibited generally.** 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 is the owner or occupant, except as provided in subsections (b) and (c) of this section.
- (b) **Exceptions.** The prohibition of subsection (a) of this section shall not apply to the following:
- (1) Temporary encroachments or obstructions authorized by street privilege permit under article III of this chapter, pursuant to Wis. Stats. § 44.0425.
 - (2) Building materials for the period authorized by the common council, or its designee, which shall not obstruct more than one-half of the sidewalk or more than one-third 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 62-41 and 62-42.
 - (4) Awnings which do not extend below any point seven feet above the sidewalk, street or alley.
 - (5) Public utility encroachments duly authorized by law or the common council.
 - (6) Temporary obstructions authorized by permit pursuant to subsection (c) of this section.
 - (7) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than three feet on the sidewalk, provided that such goods, wares, etc., do not remain thereon for a period of more than two hours.
- (c) **Issuance of permit.**
- (1) The common council is authorized to issue a permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:
 - a. The property must be located in an area zoned for commercial uses.
 - b. The fixtures shall not be physically attached to the sidewalk, any street fixture or any adjacent building and shall be of a temporary design.**
 - c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than four feet at any point.
 - d. The property owner whose property adjoins the city sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.**
 - (2) Upon reviewing the permit application if it is determined by the common council that all of the requirements of this section have been met, it shall issue the permit. Such permit may be revoked by the common council at any time when one or more of such requirements are not complied with or if it determines that the placement of the fixtures endangers the safety of the pedestrians who utilize the sidewalks.
- (d) **Removal by city.** 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 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 24 hours.
- (e) **Failure to remove obstruction.**
- (1) If the owner or occupant fails to remove the obstruction within the time period established in section subsection (d) of this section, 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 calendar days from receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the clerk-treasurer shall enter those charges onto the tax roll as a special tax as provided by statute.
 - (2) The failure of the clerk-treasurer 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 expenses on the tax rolls for unpaid bills for abating the obstruction as provided for in this section.

(Code 1994, § 6-2-5)