

CHAPTER 7 STREETS, ALLEYS AND SIDEWALKS

7.01 STREET GRADES. 1) Council to Establish. The Common Council shall establish the grades of all streets and alleys in the City, and such grades shall be kept on file in the office of the City Engineer. No street or alley shall be worked until the grade thereof is established and indicated by grade stakes.

2) Interference with Grade Stakes. No person shall, without authority in writing from the City Engineer, interfere with, alter the position or level of, remove or destroy any line or grade stakes set by the City Engineer or by his authority to designate the line or the grade of any street, alley, or sidewalk before the same shall be built in accordance therewith.

7.02 STREET CONSTRUCTION AND REPAIRS. 1) Statutes Apply. The provisions of Chapters 62 and 66 of the Wisconsin Statutes, relating to the construction, improvement and repair of streets and alleys, shall apply.

2) Sewers, Curbs, Gutters First Installed. It is the declared policy of the Common Council that no streets in the City shall be improved with permanent or semi-permanent surfacing until such time as curb and gutter, sanitary sewer and water laterals have been installed.

3) Cost of Improvements; Assessments. The installation of sidewalks along or upon any street and the construction cost of the first curb and gutter shall be charged in whole or in part to the property benefited thereby as determined by the Common Council.

All assessments made against any property in accordance with this section must be in the manner provided for special assessments set forth in Chapters 62 and 66 of the Wisconsin Statutes. (SECTION 7.02 AMENDED 10/10/06—ORDINANCE NO. 1028)

7.03 CURBS AND GUTTERS. 1) Plans and Specifications. All curb and gutter construction and repairs shall follow specifications in the latest edition of the City of Hartford Standardized Development Specifications Manual and as directed by the City Engineer.

2) Permit Required. No public curb and gutter shall be constructed or replaced until a permit has been obtained by the owner or his authorized agent from the City Engineer. The permit shall not apply to any curb and gutter laid under contract by the City or construction performed by the City.

3) Fees. Any person constructing, reconstructing or altering any concrete curb and gutter shall obtain a permit and pay a fee, as determined in Chapter 42 of the Municipal Code, for such permit.

4) Inspection. Upon the laying of all curb and gutter, the permittee shall promptly notify the City Engineer, and the City Engineer shall inspect the curb and gutter in order to determine that it conforms to the grades and specifications as set by the City. In case the curb and gutter does not conform to the materials and grades as specified by the City Engineer, the City

Engineer shall order the work to be removed and replaced in accordance with the regulation of the City within 20 days after the service of written notice ordering the removal. In the event that the owner refuses to replace such construction, the Common Council may, after expiration of 20 days, remove the same and replace said construction and assess the owner in accordance with Section 66.0703 of the Wisconsin Statutes. (SECTION 7.03 REPEALED AND RECREATED 7/10/12—ORDINANCE NO. 1289)

7.031 CURB AND GUTTER CONSTRUCTION PERMIT. (SECTION 7.031 REPEALED 7/10/12—ORDINANCE NO. 1289)

7.04 SIDEWALK CONSTRUCTION AND REPAIR. 1) The abutting property owner shall repair and perpetually maintain the sidewalk adjacent to the property along any street in the City.

a) Authority of Council. The Council may order by ordinance or resolution sidewalks to be laid as provided in Wisconsin Statutes Section 66.0907(3).

b) Board of Public Works. The Board of Public Works may order any sidewalk which is unsafe, defective, or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Council.

c) Notice. A copy of the ordinance, resolution or order directing the laying, removal, replacement or repair of sidewalks shall be served upon the owner, or an agent, of each lot or parcel of land in front of which the work is ordered. The Board of Public Works or City Engineer may serve the notice. Service of the notice may be made by any of the following methods: 1) Personal delivery; 2) Certified or registered mail; 3) Publication in the official newspaper as a class 1 notice, under ch. 985, together with mailing by 1st class mail if the name and mailing address of the owner or an agent can be readily ascertained.

d) Default of Owner. If the owner neglects for a period of **20** days after service of notice under par. (c) to lay, remove, replace or repair the sidewalk the city may cause the work to be done at the expense of the owner. All work for the construction of sidewalks shall be let by contract to the lowest responsible bidder except as provided in s. 62.15 (1).

e) Minor Repairs. If the cost of repairs of any sidewalk in front of any lot or parcel of land does not exceed the sum of **\$100**, the Board of Public Works or City Engineer may immediately repair the sidewalk, without notice, and charge the cost of the repair to the owner of the lot or parcel of land, as provided in this section. The amount charged to each lot or parcel of land shall be entered by the clerk in the tax roll as a special tax against the lot or parcel of land and collected like other taxes upon real estate.

f) Expense. The city engineer shall keep an accurate account of the expenses of laying, removing and repairing sidewalks in front of each lot or parcel of land, whether the work is done by contract or otherwise, and report the expenses to the comptroller. The comptroller shall annually prepare a statement of the expense incurred in front of each lot or parcel of land and report the amount to the city clerk. Pursuant to Section 66.0907 the amount charged shall be entered by the clerk as a special tax against the parcel.

(SECTION 7.04 REPEALED AND RECREATED 7/24/12—ORDINANCE NO. 1290)

7.05 SIDEWALK SPECIFICATIONS. All concrete walks installed within the public streets or upon municipal owned land in the City of Hartford shall be constructed according to the latest

edition of the City of Hartford Standardized Development Specifications Manual.

Guarantee. The contractor shall replace at his own expense any of the work found to be defective within two year of completion of the work. (SECTION 7.05 AMENDED 3/9/04—ORDINANCE NO. E-540)

7.051 ASPHALT SPECIFICATIONS. All asphalt installed within the public streets of the City of Hartford shall be constructed according to the latest edition of the City of Hartford Standardized Development Specifications Manual. (CREATED 3/9/04—ORDINANCE NO. E-540)

7.06 SIDEWALK CONSTRUCTION PERMIT. 1) Permit Required. No public sidewalk or so much of any private driveway as shall cross a sidewalk, shall hereafter be constructed within the City of Hartford until a permit shall first have been obtained by the owner or his authorized agent from the City Engineer. The term sidewalk permit, as used in this section, shall include the construction of any public sidewalk, driveway crossing a sidewalk, or replacement of old sidewalks or driveway crossings. The permit shall not apply to any sidewalk laid under contracts let by the City or construction performed by the City. Application for a sidewalk permit shall be made in writing upon a form furnished by the City Engineer and shall contain such information as the City Engineer may require.

2) Fees. Any person constructing, reconstructing or altering any concrete sidewalk or driveway crossing shall obtain a permit as hereinbefore set forth, and pay a fee as determined in Chapter 42 of the Municipal Code for such permit. (AMENDED 5/14/96--ORDINANCE NO. E-327)

3) Inspection. Upon the laying of all sidewalks, or performance of the above construction, the permittee shall promptly notify the City Engineer and the City Engineer shall inspect the sidewalk in order to determine that it conforms with the grades and specifications as set by the City. In case the sidewalk shall not conform with the materials and grades as specified by the City Engineer, the City Engineer and/or the Common Council shall order the work to be removed and to replace the same in accordance with the regulation of the City, within 20 days after the service of written notice ordering the removal. In the event that the owner shall refuse to replace such construction, the Common Council may, after expiration of 20 days, remove the same and replace said construction and assess the owner in accordance with Section 66.615 of the Wisconsin Statutes.

7.07 DAMAGE TO STREETS. No person shall willfully damage or deface any pavement, curb or gutter, or hinder or obstruct the making, building or repairing of any crosswalk or of any street, pavement, gutter, curb or other public improvement ordered by the Common Council or Board of Public Works.

7.08 MAINTENANCE OF RAILROAD CROSSINGS. The duties and obligations of any company maintaining tracks in the City of Hartford to keep its street crossings in repair shall be as defined in Sections 86.12 and 86.13 of the Wisconsin Statutes.

7.09 OBSTRUCTIONS IN STREETS. No person shall obstruct or endanger the use by the public of any street, alley, sidewalk, or public ground except as may be permitted under this

Code, or by permit from the Common Council. Any obstruction in the public right-of-way is hereby declared to be a public nuisance and may be remedied by the provisions of Chapter 22 of the Municipal Code. (AMENDED 3/10/98--ORDINANCE NO. E-397)

7.10 REFUSE IN STREETS. 1) No person shall scatter, place, deposit or leave any dirt, filth, manure, straw, paper or other rubbish, or any ashes, earth, garbage, sweepings or rubbish of any kind or description in or upon any street, alley, gutter, sidewalk, road or other public ground in the City, except as provided for normal garbage collection in Section 23.04 of the Municipal Code, or allow such substance or matter to remain anywhere between the premises owned or occupied by any person in the center of the street or streets adjoining such premises. If any such litter is likely to attract animals or is subject to being blown about it shall be picked up immediately. Every 24 hours during which the same shall remain or be thereon after notification by any police officer or building inspector to remove the same shall constitute a separate offense. Prior to the issuance of a citation a written or verbal warning shall be given by the enforcement officer to the person owning or occupying the premises.

2) No person engaged in removing or hauling stone, gravel, wood, block, dirt, manure or any other rubbish or material of any kind on or across any street, alley, or public ground of the City shall throw or let fall any such article, material, or substance and leave the same upon any street, alley, or public ground; nor shall any person throw or shovel snow upon any street or alley after the same has been plowed and cleaned by the City.

3) If any person, firm, corporation or association fails to pick up the items listed in subsections 1) and 2) above within 24 hours of the time the same is deposited or, in the case of a safety or health hazard, immediately, the Director of Public Works shall arrange to have the same picked up by City crews or by private enterprise. The entire expense for pick-up, together with an additional charge of 20% for administrative expenses, shall be charged to the person, firm, corporation or association that allowed same to occur. If such sum is not promptly paid, it shall be placed upon the tax roll of any property owned by the responsible party pursuant to Wisconsin Statute 60(16). This charge shall be in addition to any fine or other penalty for violation of this ordinance. (SECTION 7.10 REPEALED AND RECREATED 3/10/98--ORDINANCE NO. E-397)

7.11 SNOW REMOVAL FROM SIDEWALKS OR DESIGNATED BICYCLE PATH. 1) Removal of Snow or Ice. Duty of owner or occupant: The owner, occupant, or either of them of every building, tenement, lot or lots, opposite to or fronting upon or adjoining any sidewalk or designated bicycle path within the limits of the City shall remove or cause to be removed any and all snow and ice the full width of the sidewalk or designated bicycle path which has accumulated upon the sidewalk or designated bicycle path within 12 daylight hours after the termination of any snow storm. The hours between 7:00 a.m. and 5:00 p.m. shall be considered daylight hours for the purpose of computing the 12 hour period in which the owner, occupant or person shall remove the snow.

2) Sanding Ice. When ice has so formed upon any sidewalk or designated bicycle path that it can't be removed, the sidewalk or designated bicycle path shall be sprinkled with ashes, sawdust, or sand or rock salt so as to prevent the same from being dangerous.

3) Removal by City. Should any owner or occupant fail to remove or sprinkle in the manner heretofore described, the Director of Public Works shall cause such removal or sprinkle such walks or paths, and the cost thereof shall be assessed as a special tax against the abutting property, and shall be collected in the manner as other real estate taxes are collected. The City and its employees and agents shall not be liable for damages resulting from such removal or sprinkling if reasonable care is exercised in their performance. (SECTION 7.11 AMENDED 2/9/93--ORDINANCE NO. E-235; AMENDED 11/28/95--ORDINANCE NO. E-312; AMENDED 12/13/05—ORDINANCE NO. E572)

7.115 MAINTENANCE OF RIGHT-OF-WAY 1) DUTY OF PROPERTY OWNER OR OCCUPANT. The property owner or occupant shall be responsible for maintaining, in a manner consistent with the Municipal Code, all slopes, sod, grass, ditches, shoulders, berms, side ditch drainage, mailbox approaches, and all part of the right-of-way adjoining or abutting the property, except the pavement area from edge to edge of the street pavement or, where a curb exists, from curb to curb. All landscaped areas addressed in this section shall be maintained with topsoil and established grass, unless otherwise approved by the Public Works department. In lieu of case-by-case approvals, the Director of Public Works may establish general guidelines regulating the installation of other plants within the right-of-way.

2) MAINTENANCE BY CITY. If the right-of-way area is not maintained as required by sub. (1), above, the City may maintain, or cause to be maintained, the right-of-way area and the person in charge of the property shall be charged for the cost of such maintenance. If not paid within 30 days, such charge shall be placed on the tax roll, pursuant to Sec. 66.0627, Wis. Stats.

3) PENALTY. For violations of this section, the City may, as an alternative to or in addition to taking the action specified in Sub. (2), impose a penalty pursuant to Chapter 42 of this Code. (ORDINANCE 1463, 2022-08-23)

7.12 EXCAVATIONS IN STREETS AND SIDEWALKS. 1) Permit Required. No person shall open or tear up any part of any street, alley, sidewalk or other public place in the City for the purpose of laying gas pipe or connections, sewer pipe or connections, or water pipes, mains, or connections, or for any purpose without first obtaining a written permit therefor from the City. The fee for such permit will be as determined in Chapter 42 of the Municipal Code. For utility companies which regularly require such permits during the course of a year, the City Administrator may negotiate an annual permit fee. However, all other aspects of this section will continue to apply. (AMENDED 5/14/96--ORDINANCE NO. E-327)

2) Renovation Responsibilities. The person or party receiving such permit shall be solely responsible for the complete renovation/restoration of the excavated area. The renovation/restoration shall include the back filling of the trench with a slurry mixture as outlined by the City Engineering standards, and surface materials consistent with that which exist at the time the area is being excavated.

3) Prior to any excavating occurring, the person or party will provide the City with a performance bond in an amount sufficient to cover the costs of the project. This bond shall remain outstanding for a period of two (2) years or until the City has certified that no settling

problems will occur at the excavation area, whichever comes first.

4) Insurance. The permittee shall purchase and maintain public liability insurance as may be required by law or the City during the excavation and restoration, a copy or certificate of which shall be filed with the City before the permit shall be issued. (AMENDED 6/9/86--ORDINANCE NO. E-57)

5) City Supervision of Restoration. When a permit has been obtained pursuant to this section for excavation in a permanently improved street, the pavement must be replaced under the supervision of the City.

(SECTION 7.12 AMENDED 4/14/92--ORDINANCE NO. E-206)

(SECTION 7.12.1 REPEALED 7/11/95--ORDINANCE NO. E-293)

7.13 BUILDING MATERIALS IN STREETS. 1) Permit Required. No person shall place or deposit any stone, timber, lumber, plank, board or other material for building along or upon any street, alley, sidewalk, or public ground, without written permission from the Board of Public Works.

2) Length of Permit. Any permission granted by the Board of Public Works to place such material upon any street, alley or public ground shall extend for a period not exceeding four months, and shall not authorize the obstruction of more than one-third of the street opposite the land or parcel of land on which the erection is to be made by the person to whom such permission is granted, and such permit may be revoked at any time by the Common Council.

7.14 STRUCTURES IN STREETS. 1) Permit Required. The Board of Public Works or Building Inspector may, on such conditions as deemed necessary for public safety, issue to any person a permit in writing to erect community service banners from building to building or flags or decorative banners from downtown decorative light poles, temporary scaffolding, platforms or other structures such as sandwich board signs upon or over any sidewalk, street, parking lot, or alley and in such manner so as not to obstruct travel unnecessarily; the form and manner of such construction and/or use the conditions for the maintenance thereof to be determined by the City Engineer or the Building Inspector. Nonprofit organizations are exempt from the permit requirement. (AMENDED 11/28/00-- ORDINANCE NO. E-446)

2) Application for Permit. Every person desiring such permit shall make application therefor in writing to the Board of Public Works or Building Inspector stating the place and time of erection of such structure, the purpose thereof and such other facts as may be deemed necessary by the board. Such application shall contain an agreement to abide by all directions to be given by the board and all the conditions of the permit, and that in default thereof such structure may be summarily removed by the City.

3) Lights. Every such person shall place and keep sufficient lights upon such structure at night to warn the public against danger, to the satisfaction of the Board of Public Works.

4) Removal of Structure. When such structure shall, in the judgment of the Board of Public Works, have ceased to be necessary for the purpose for which it was erected, such board may require it to be forthwith removed although the time fixed in said permit shall not have expired. For any failure forthwith to remove such structure after being notified by the Board of Public Works in writing so to do, or after the expiration of such permit, every such person to whom such permit was granted, and every person responsible for the continued maintenance of the same shall be deemed in violation of this section.

7.15 HONORARY STREET NAMES. 1) Procedure. Proposals to assign honorary street names shall be processed in the following manner:

A proposal to assign an honorary street name shall be submitted in writing to the City Clerk who shall refer the proposal to the Common Council. Each proposal shall include:

- (1) The specific street segment being proposed for honorary street naming, including a sketch showing its location.
- (2) The full form of the name being proposed.
- (3) The origin or meaning of the proposed name.
- (4) If the proposed name refers to an individual, a brief biography of that individual.
- (5) The rationale for assigning the honorary street name, including an explanation of how the name or individual has been associated with the area in which the street is located.
- (6) Any letters from appropriate organizations or individuals which provide evidence that substantial local support for the proposal exists.

2) Criteria. In reviewing a proposed honorary street naming, the Common Council shall consider the proposed name in light of the following criteria:

- (a) An honorary street name shall not duplicate any official street name.
- (b) When an honorary street name has been assigned, no other honorary naming proposal shall be considered for that segment of the street for a period of ten years following the effective date of the honorary street naming.
- (c) Names that could be considered derogatory to a particular person or organization or to any racial, religious or ethnic group or to disabled persons shall not be considered nor shall names that could be considered obscene, blasphemous or not in good taste.
- (d) The name of an individual may be considered only if it is determined that it is in the public interest to honor the individual or the individual's family for historical or commemorative reasons.
- (e) The name of an individual shall not be given consideration unless the individual portrays a positive image.
- (f) Names of individuals who have made contributions in the arts, entertainment and business shall be considered along with the names of individuals known for outstanding careers of public service.
- (g) The name of an individual may be considered only if the individual is deceased or has attained the age of 70 years.
- (h) The honorary naming of streets is limited to one individual name and/or one organization per year.
- (i) Suggestions for honorary street names for the given year shall be submitted to the City Clerk by May 31st and referred to the Common Council at its first meeting in June.

3) Honorary Street Names. Whenever an honorary street name is assigned to a street or street segment, by ordinance, the street or street segment shall retain its official name which shall be used for all official and legal purposes. The honorary street name shall be indicated on a sign mounted at each intersection. Addresses using the honorary street name shall not be assigned. (SECTION 7.15 CREATED 10/28/08—ORDINANCE NO. 1196)

7.16 BARRICADES AND LIGHTS. Every person placing any obstruction or making any excavation in any street shall place and keep sufficient fences, guards or barricades around any material, implements or obstructions in the public right-of-way and shall place and keep thereon at night sufficient lights to warn the public of danger, including advance warning to vehicular traffic, to the satisfaction of the Board of Public Works.

7.17 AWNINGS OVER STREETS. Repealed (See Ordinance No. C-110).

7.18 AWNINGS. Repealed (See Ordinance No. C-111).

(SECTIONS 7.19, 7.20, AND 7.21 REPEALED 7/11/95--ORDINANCE NO. E-293)

7.22 HOUSE NUMBERING. 1) Numbering System. There is hereby established a uniform system of numbering all houses and buildings fronting on all streets, alleys and highways in the City. All houses, buildings, etc., fronting on alleys shall be numbered to correspond with the numbers on parallel streets.

North and South Main Streets shall constitute the north and south base line from which the numbers on all houses and buildings running east and west from said streets shall be extended each way; upon the basis of one number for each 15 feet of property frontage, wherever possible, starting at the base line with the number 10, and continuing with consecutive hundreds at each intersection wherever possible. All even numbers shall be placed upon houses and buildings on the north side of said streets, avenues, alleys and highways. East and West Sumner Streets shall constitute the east and west base line from which the numbers on all streets running north and south from said streets shall be extended each way; upon the basis of one number for each 15 feet of property frontage, wherever possible, starting at the base line with the number 10 and continuing with consecutive hundreds at each intersection, wherever possible. All even numbers shall be placed upon houses on the east side of said streets, avenues, alleys and highways, and all odd numbers upon houses and buildings on the west side of said streets, avenues, alleys and highways. All parcels and parts of parcels upon annexation, platting, and creation shall be assigned a street number under the uniform system established under this section. (AMENDED 12/8/2015—ORDINANCE 1339)

2) Placement of Numbers. The Engineering Department shall make the necessary survey and assign to each house and building located on any street, alley, or highway its respective number under the uniform system provided. The owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system provided. Such number or numbers shall be placed within 15 days after the City Engineer has assigned the proper number. The cost of the numbers shall be paid

for by the general fund, and the cost of replacement of any number, after its initial installation, shall be borne by the owner or occupant of any house or building.

3) Multiple Numbering. Where only one number is available for any house or building, the owner, occupant or agent who shall desire distinctive numbers for the upper and lower portion or other portions of any such house or building shall use the suffix "A", "B", "C", etc., as may be required.

4) New Houses and Buildings. Whenever any new house, building or structure shall be erected, in order to preserve the continuity and uniformity of numbers of the houses, buildings and structures, it shall be the duty of the owner, or his agent, to procure the correct number or numbers as designated, from the Engineering Department and the owner or agent shall immediately fasten the said number or numbers so assigned upon the house, building, or structure in a conspicuous place at the entrance. (AMENDED 12/8/2015—ORDINANCE 1339)

5) Altering Numbers. It shall be unlawful for any person to alter any number or retain an improper number, other than the one given by virtue of this section.

6) Duty of Police. It shall be the duty of the police to see that all owners, occupants or agents of all houses and buildings fronting on all streets, avenues, alleys and highways in the City place such number or numbers within 15 days after the City Engineer has assigned the proper number, and it shall also be the duty of all police to report all violations of any provisions of this section. In the event such house numbers have not been placed, written order shall be sent to the property owner by mail notifying the property owner that they have 15 days to place the house numbers or the police shall serve the property owner with a citation under the provisions of the fee schedule in Chapter 42. (AMENDED 7/25/2017—ORDINANCE 1371)

7.23 SPECIAL ASSESSMENT PROCEDURE. 1) Alternate Method Selected. As provided in Section 66.0703, Wis. Stats., in addition to other methods provided by law, special assessments for any public work and improvement may be levied by alternate methods. The Council hereby elects to levy such special assessments as provided in this section. (AMENDED 7/10/12—ORDINANCE NO. 1291)

2) Preliminary Resolution. Whenever the Council shall determine that any public work or improvement shall be financed in whole or in part by special assessments levied under this section, it shall adopt a preliminary resolution setting forth the following:

- (a) Its intent to exercise its police powers for the purpose of levying special assessments for the stated municipal purpose.
- (b) The limits of the proposed assessment district.
- (c) The time, either before or after completion of the work or improvement, when the amount of such assessments shall be determined and levied.
- (d) The number of installments in which the special assessments may be paid, or that the

number of installments will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.

- (e) The rate of interest to be charged on the unpaid installments or that the rate of interest will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.
- (f) The terms on which any of such assessments may be deferred while no use of the improvement is made in connection with the property or, that such terms will be determined after the public hearing required by sub. (4) below, and will be included in the final resolution.
- (g) The City Engineer shall prepare a report as required by sub. (3) below.

3) Report of City Engineer. Whenever the Council, by preliminary resolution, directs the City Engineer to prepare a report, the City Engineer shall prepare a report consisting of the following:

- (a) Preliminary or final plans and specifications for the public works.
- (b) An estimate of the entire cost of the proposed work or improvements, except that when the Council determines by preliminary resolution that the hearing on such assessments shall be held subsequent to the completion of the work or improvements, the report shall contain a statement of the final cost of the work, service or improvement in lieu of an estimate of such costs.
- (c) A schedule of the proposed assessments.
- (d) A statement that each property against which the assessments are proposed has been inspected and is benefitted, setting forth the basis of such benefit.
- (e) Upon completion of the report, the City Engineer shall file a copy of the report with the City Clerk.

4) Incorporation of Statutory Provisions. The provisions of SS 66.60, Wis. Stats., including those related to notice, hearing and the adoption of a final resolution, shall, to the extent not inconsistent with this section, apply to special assessments levied under this section.

5) Lien. Every special assessment levied under this section shall be a lien against the property assessed from the date of the final resolution of the Council determining the amount of such levy. (SECTION 7.23 CREATED 3/13/89--ORDINANCE NO. E-129)

7.24 PRIVATE STREETS. 1) Scope. This Section is to provide for private streets, to be owned by an association of owners of the adjoining properties. A "Private" street may be created in a new subdivision or condominium plat, hereinafter collectively referred to as "Development", in accordance with the terms of this Section and where a planned unit

development conditional use permit has been granted pursuant to Chapter 13 of the Municipal Code. The definitions found in Chapter 13 shall apply to this Section. The Common Council shall have discretion to accept or reject an application to create a private street.

2) Procedure. Application to create a private street in a new development shall be made by including:

- (a) All necessary information to show compliance with the terms of this Section in the papers filed with the application for approval of the plat of development.
- (b) Proposed articles of incorporation and proposed bylaws for a non-for-profit corporation to be formed, for all the owners of property adjoining the private street, to maintain the street and to carry out the responsibilities of the association under this Section.

The Plan Commission will consider the proposal in conjunction with the planned unit development conditional use, and shall make a recommendation to the Common Council. The Common Council may accept or reject the proposal. If the Common Council accepts the proposal the not-for-profit corporation shall be formed, the owners of all of the property shall sign all documents necessary to create a covenant running with the land agreeing to abide by all of the requirements of the association, including the requirement to pay dues to the association sufficient to provide for present maintenance and future repairs and reconstruction of the private streets.

3) Guidelines. In determining whether to approve the private street under the terms of this Section the Common Council will consider the following guidelines:

- (a) The street must be a residential street.
- (b) The residents in the neighborhood desire to maintain the residential quality of the neighborhood.
- (c) The density of development abutting the street must not result in an Average Daily Traffic (ADT) of more than 800.
- (d) The private street will not create an undue burden on traffic. The Street Hierarchy of the City of Hartford shall not permit private streets, other than residential access streets and residential subcollector streets, as defined by Chapter 13 of the Municipal Code.
- (e) The private street is not detrimental to the provision of emergency services to the adjoining residents or to existing or future residents in proximity to the development.
- (f) It is in the best interest of the City, considering planning for the entire City, to create a private street.
- (g) The private street does not conflict with mapped streets pursuant to the City of Hartford Official Map.

4) Requirements for a Private Street. Any private street created under the terms of the Section shall comply with the following requirements:

- (a) Residential access streets and residential subcollector streets shall be constructed to the standard specifications of the City of Hartford except that the cartway width of a private street may be reduced to 24 feet wide for a two-way street or 22 feet wide for a one-way street.
- (b) Where parking is permitted on one side of a private street side, a 6 foot wide parking lane shall be constructed in addition to the cartway width requirements above.
- (c) The Common Council may, upon 2/3 vote, waive the requirement for the installation of curb and gutter adjacent to a private street, provided that alternate drainage methods are provided.
- (d) The Common Council may, upon 2/3rd vote waive the requirement for the installation of sidewalk adjacent to a private street, provided that alternate pedestrian accommodations are provided.

5) Responsibility of Not-For-Profit Corporation. The nonprofit corporation formed for the owners of adjoining property shall have the responsibility of maintaining the street and any sidewalks or other public ways along the private street. The nonprofit corporation shall require all the property owners of adjoining properties to pay regular dues to cover all costs of maintaining the street. An annual budget shall be prepared by the nonprofit corporation to assist in arriving at dues. (SECTION 7.24 CREATED IN ITS ENTIRETY 2/11/97--ORDINANCE NO. E-354)

7.25 STREET USE PERMITS. 1) Purpose. The streets in possession of the City are primarily for the use of the public in the ordinary way. However, under proper circumstances, the City Clerk may grant a permit for street use, subject to reasonable municipal regulation and control. Therefore, this Chapter is enacted to regulate and control the use of streets pursuant to a Street Use Permit, such as for block parties, and similar events but not to include parades and races, to the end that the health, safety and general welfare of the public and the good order of the City can be protected and maintained.

2) Application. A written application for a Street Use Permit by persons or groups desiring the same shall be made on a form provided by the City Clerk and shall be filed with the City Clerk. The application shall set forth the following information regarding the proposed street use:

- (a) The name, address and telephone number of the applicant or applicants.
- (b) If the proposed street use is to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorizing responsible heads of such organization.

- (c) The name, address and telephone number of the person or persons who will be responsible for conducting the proposed use of the street.
- (d) The date and duration of time for which the requested use of the street is proposed to occur.
- (e) An accurate description of that portion of the street proposed to be used.
- (f) The approximate number of persons for who use of the proposed street area is requested.
- (g) The proposed use, described in detail, for which the Street Use Permit is requested.
- (h) A description of the steps that will be taken to ensure the safety of all concerned.

3) Review by Chief of Police, City Engineer, Director of Public Works, Fire Chief & EMS Chief. Before any application for a Street Use Permit is considered by the City Clerk, the application shall be reviewed by the City Engineer, Director of Public Works, Chief of Police, Fire Chief and EMS Chief for their recommendation as to the effect that the temporary closing of the street will have on the public safety and traffic movement in the area during the time the street may be closed. (AMENDED 7/12/05—ORDINANCE E-563)

4) Mandatory Denial of Street Use Permit. An application for a Street Use Permit shall be denied if:

- (a) The proposed street use is primarily for private or commercial gain. The provision may be waived by Council vote.
- (b) The proposed street use would violate any federal or state law or any Ordinance of the City.
- (c) The proposed street use will substantially hinder the movement of police, fire or emergency vehicles, constituting a risk to persons or property. Any use which completely blocks an arterial street as defined by Code shall be denied unless:
 - 1. Either the State of Wisconsin grants a waiver in the case of a State Highway or;
 - 2. The Common Council grants a waiver in the case of any other arterial.

In the case of collector streets, determinations shall be made on a case-by-case basis. The presumption shall be that a permit will be granted for local streets.

- (d) The application for a Street Use Permit does not contain the information required above.
- (e) The application requests a period for the use of the street that would be beyond daylight hours.
- (f) In addition to the requirement that the application for a Street Use Permit shall be denied

as hereinabove set forth, the City Clerk, in consultation with the Chief of Police, City Engineer, Fire Chief and EMS Chief may deny a permit for any other reason or reasons if it is concluded that the health, safety and general welfare of the public cannot adequately be protected and maintained if the permit is granted.

5) Permit Fee. Each application for a Street Use Permit shall be accompanied by a fee as shown in Chapter 42 of the Municipal Code. An additional fee as identified in Chapter 42 will be charged for the use of City barricades. The additional fee will be waived if the barricades are picked up and returned by Block Party Chairman. The Clerk will receive and hold a check for the pickup and return of the barricades, and will return said check upon evidence of barricade return.

6) Consent to Issuance of Street Use Permit. In addition to the fee required by the previous Subsection, each application for a Street Use Permit, shall be accomplished by a petition designating the proposed area of the street to be used and time for said proposed use, said petition to be signed by not less than seventy-five percent (75%) of the residents over eighteen (18) years of age residing along that portion of the street designated for the proposed use. Said petition shall be verified and shall be submitted in substantially the form attached.

7) Termination of a Street Use Permit. A Street Use Permit for an event in progress may be terminated by the Police Department if the health, safety, and welfare of the public appear to be endangered by activities generated as a result of the event or the event is in violation of any of the conditions of the permits or Ordinances of the City of Hartford. The Chief of Police has the authority to revoke a permit or terminate an event in progress if the event organizers fail to comply with any of the regulations in the street use policy or conditions stated in the permit.

(SECTION 7.25 CREATED IN ITS ENTIRETY 6/10/97--ORDINANCE NO. E-366)

7.26 PARADE PERMITS. 1) Definitions. For the purposes of this section, certain words and terms are defined as follows:

- (a) Chief of Police is the Chief of Police of the City of Hartford.
- (b) Parade is any parade, march, ceremony, show, exhibition, pageant, procession, group walking, running, or bicycling event utilizing City streets or any similar display in or upon any street in the City.
- (c) Parade Permit is a permit required by this Chapter.
- (d) Person is any person, firm, partnership, association, corporation, company or organization of any kind.

2) Permit Required: Exceptions. No person shall participate in or form any parade unless a parade permit has been obtained from the City Clerk. This Ordinance shall not apply to:

(a) Funeral processions or military convoy.

3) Application for Permit. A person seeking a parade permit shall file an application with the City Clerk. If the application contains the information as noted below, the Clerk shall refer the application to the Chief of Police, or his/her designee.

(a) Filing Period. An application for a parade permit shall be filed with the City Clerk not less than thirty (30) days nor more than sixty (60) days before the date on which it is proposed to conduct the parade.

(b) Certificate of Insurance. A Certificate of Insurance shall be filed with the City Clerk naming the City as a co-insured and showing that the applicant is covered by liability insurance by a company licensed to do business in Wisconsin in the amount of \$300,000 for the injury or death of one person, \$1,000,000 for any accident, and \$50,000 for property damage.

(c) Contents. The application for a parade permit shall set forth the following information:

(a) The name, address and telephone number of the person seeking to conduct such parade.

(b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization.

(c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.

(d) The date when the parade is to be conducted.

(e) The route to be traveled, the starting point and the termination point.

(f) The approximate number of persons who, and animals and vehicles which, will constitute such parade, the type of animals and description of the vehicles.

(g) The hours such parade will start and terminate.

(h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed.

(i) The location by streets of any assembly areas for such parade.

(j) The time at which units of the parade will begin to assemble at any such assembly area or areas.

(k) The interval of space to be maintained between units of such parade.

- (l) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the City Clerk a communication in writing from the person proposing to hold the parade authorizing the applicant to apply for the permit on his/her behalf.
- (m) Any additional information which the City Clerk and Chief of Police finds reasonably necessary to a fair determination as to whether a permit should be issued.

The City Clerk and Chief of Police where good cause is shown, may consider any application which is filed less than thirty (30) days before the date such parade is proposed to be conducted.

The fee for a parade permit shall be as shown in Chapter 42 of the municipal code, except that no fee shall be charged for school-sponsored parades, holiday parades, or parades sponsored by governmental agencies.

4) Standards for Issuance. The Chief of Police shall forward, with a recommendation, the application to the City Clerk, who shall issue a permit when, from a consideration of the application and from such other information as may otherwise be obtained, it finds that:

- (a) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route.
- (b) The conduct of the parade will not require the diversion of so great a number of police officers of the City to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the City.
- (c) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the City other than that to be occupied by the proposed line of march and areas contiguous thereto.
- (d) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas.
- (e) The conduct of such parade will not interfere with the movement of firefighting equipment enroute to a fire.
- (f) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance.
- (g) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroute.

5) Notice of Denial. The Chief of Police shall make his/her determination upon the application for a parade permit within three (3) days after the filing thereof. If the Chief of

Police disapproves the application, he/she shall mail to the applicant within five (5) days after the date upon which the application was filed a notice of his/her action, stating the reasons for his/her denial of the permit.

6) Notice to City and Other Officials. Immediately upon receiving a parade permit application, the City Clerk shall send a copy thereof to the following:

- (a) Police Chief
- (b) Fire Chief
- (c) EMS Chief
- (d) City Engineer
- (e) Director of Public Works (CREATED 7/13/04—ORDINANCE NO. E-551)

7) Contents of Permit. Each parade permit shall state the following:

- (a) Starting time.
- (b) The portions of the streets to be traversed that may be occupied by the parade.
- (c) The maximum length of the parade in miles or fractions thereof.
- (d) Such other information as the Chief of Police shall find necessary to the enforcement of this Ordinance.

8) Duties of Permittee. A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

9) Possession of Permit. The parade chairperson or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

10) Public Conduct During Parade. No person shall unreasonably hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

No driver of a vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

The Chief of Police or his/her designee may prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade. The Chief or his/her designee shall post signs to such effect, and no person shall park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

(SECTION 7.26 CREATED IN ITS ENTIRETY 1/12/99--ORDINANCE NO. E-412)