

## CHAPTER 16

### STREETS, ALLEYS AND SIDEWALKS

#### Section

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## 16.01 GRADES.

(1) The director of public works, at the direction of the board of public works and/or common council, shall establish the grades of all streets and alleys in the City of Stevens Point, and all such grades shall be kept on file in the office of the director of public works. No street or alley shall be worked until the grade thereof is established.

(2) For the purpose of establishing grades in streets, avenues, roads, and alleys, the director of public works, or his/her designated representative, shall establish or designate stationary reference points representing known elevations with reference to city datum.

City datum shall be defined as being a beginning point of zero elevation being approximately 992.04 feet above mean sea level as established by the United States Geological Survey, and from which grade elevations are determined.

## 16.02 STREETS AND ALLEYS.

(1) Construction and Repair. The provisions of Chapters 62, 66, and 840 of the Wisconsin statutes relating to construction, improvement, and repair of streets and alleys shall apply. All public improvements in the city may be done by the city directly, without the intervention of a contractor, as permitted by applicable law.

## (2) Cost of Improvements.

(a) The entire cost of street or alley grading and paving, and the installation of sidewalks along or upon any street, may be charged in whole to the property benefitted thereby, and if so charged shall be made against such property in the manner set forth in Sections 66.0701 - 66.0733 of the Wisconsin statutes.

(b) No assessment shall be placed against any property to exceed the amount to which said property is benefitted by such special assessment. In the event it is determined that the cost of any public improvement shall exceed the benefits derived therefrom by adjoining property, the difference between such benefit and the cost of said improvement shall be borne by the city at large.

## (3) Curbs and Cutters.

(a) Permit Required to Remove. Whenever any street, court, or alley, shall have been constructed with a permanent curb or gutter, or both, it shall be unlawful for any person, firm, or corporation to injure, tear up, remove, dig, or otherwise destroy the same without first having obtained a written permit to do so from the common council or the director of public works.

(b) Removal for Driveways. The director of public works is authorized to issue a permit for the purpose of constructing a driveway having a width in accordance with Section 23.01(14)(i)(3)(b). The opening at the curb line shall allow for driveway flares as specified on the permit.

(4) City Specifications to be Followed. All construction work authorized by the city on any street, alley, sidewalk, curb, gutter, or public ground, or on any grading, excavating, filling, or other work shall be of such form, material, and workmanship, grade, or manner as required by ordinance or resolution of the common council, or by such approved specifications of such work as may have been adopted by the common council, or by any proper committee thereof, or by any of the departments of the city government.

Each violation of this subsection and every forty-eight hours during which a violator refuses or neglects to correct any work completed contrary to the provisions of this subsection shall constitute a separate offense.

(5) Damage to Streets. No person shall willfully damage or deface any pavement, curb or gutter, or shall, without permit or direction from the board of public works, dig any hole or make any excavation in any street for any purpose, or shall 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.

#### 16.03 SIDEWALKS.

(1) Construction. All work must be performed in a workmanlike manner pursuant to the concrete sidewalk standard as adopted by the common council.

(a) Cost of Construction. All sidewalks in the city may be constructed and repaired at the expense of the property owner as directed by the Common Council in accordance with applicable provisions of the Wisconsin Statutes. Alternatively, the Common Council may direct the yearly sidewalk replacement project to be paid for by the City. Initial construction of sidewalks in new subdivisions shall be at the expense of the developer unless otherwise agreed to by the Common Council. Sidewalk expansion projects may be paid for by the City or assessed against the adjacent property owner as determined by the Common Council.

(b) City may Perform Work. In the event the property owner fails to construct a sidewalk within a period of time specified by the city engineering department, the city shall proceed to construct said walk and the cost thereof, if not paid by the property owner, shall be placed upon the tax roll as a special assessment.

#### (2) Standard Sidewalk Specifications.

(a) Slope, Mixture, Depth. The standard sidewalk hereafter constructed shall be of concrete and shall be constructed in the following manner: The sidewalk shall not exceed a slope of shall not exceed a slope of one-fourth (1/4) inch toward the curb for each foot in width, be a one-course sidewalk, and shall consist of three and one-half (3 1/2) parts gravel, two (2) parts sand, and one (1) part cement, (6 bag mix) and shall be laid at least four (4) inches deep. That portion of a sidewalk over which motor vehicles shall be allowed to cross shall be constructed in the same manner as a standard sidewalk as provided in subsection (a) except that the sidewalk shall be laid at least six (6) inches deep.

(b) Materials. The materials used in sidewalks shall be of good, sound sand and gravel and approved cement, all to be approved by the board of public works.

(c) Width. Standard Width. Exceptions: The width of sidewalks shall be determined and approved by the Director of Public Works.

(3) Compulsory Repair by Owner. No owner of any premises shall permit any sidewalk abutting such premises to become or continue to be broken or out of repair so as to endanger life or safety.

(4) Defacing and Painting on Sidewalks. No person shall deface any sidewalk or shall write, print, or paint any sign, advertisement or other matter on any sidewalk, street, or alley without specific permission from the Director of Public Works.

#### 16.04 EXCAVATIONS IN STREETS AND SIDEWALKS.

(1) Permits Required for Excavations. No officer or agent of the city and no person, whether operating under contract with the city or franchise, or indeterminate permit or otherwise, shall make, or cause to be made, any excavation in or under any street, alley, or sidewalk in the city without first obtaining a written permit from the city inspection department.

(2) Excavations Performed by City. All sewer and water mains, service pipes, laterals, stubs, and connections hereafter to be laid, constructed, replaced, repaired or altered and all opening of streets, pavements, and sidewalks in the city for any purpose whatsoever shall be done directly by the city, acting through its board of public works or the board of water and sewage commissioners, and who shall keep a correct detailed account of all costs and expenses of such work.

(3) Application for Permit. Such permit shall be issued only upon a written application signed by the applicant and shall describe the location of such proposed excavation with such certainty that the same may at all times be readily located and shall specify the purpose for which said excavation is to be made, and when it is proposed to begin making the same. It shall describe the type of surfacing on the street in which the excavation is to be made by the city, or any department thereof, then such application shall be signed by the department head under whose direction the work is to be done. All such applications shall be numbered and filed with the city inspection department. A record of all permits issued shall be retained.

(4) Excavation in Unpaved Streets and Alleys. Excavations made in unpaved streets and alleys shall be made and filled in the following manner: Backfill shall be excavated material unless otherwise called for by the director of public works. If required by the director of public works, the permittee shall backfill with granular backfill which shall consist of natural sand or a mixture of sand with gravel, crushed gravel, crushed stone, or other broken or fragmented material which has sufficient fine material to fill all voids in the coarser material.

(a) The maximum size of any gravel, stone, or other broken or fragmented material when used for backfill for structures or trench excavations shall be of such size that 100% passes a 6-inch sieve and not less than 85%, by weight, passes a 3-inch sieve. Either grade 1 or grade 2 material may be used, unless otherwise provided in the contract.

(b) The portion of the material which passes the No. 4 sieve shall conform to the following requirements:

Sieve Size	% by Weight Passing	
	Grade 1	Grade 2
No. 4	100	100
No. 40	Not more than 75	----
No. 100	Not more than 15	Not more than 30
No. 200	Not more than 8	Not more than 15

(c) The liquid limit of the material shall not be greater than 25 and the plasticity index shall not be more than 6.

(d) Backfill material shall be firmly tamped, or flushed with water, and all surplus excavated material shall be hauled away by the permittee. The permittee shall place six (6) inches of crushed aggregate base course over the excavated material in the excavating area. The crushed aggregate base course material shall meet the specifications of the board of public works.

(5) Excavations in Paved Streets.

(a) Excavations in paved streets shall be made and filled in the following manner: The opening of the pavement shall be sawed unless otherwise permitted by the director of public works. The permittee shall not undermine the existing pavement.

(b) Backfill shall be excavated material unless otherwise called for by the director of public works. If required by the director of public works, the permittee shall backfill with granular backfill as specified in subsection (5) herein, and shall compact the backfill to 95% of its maximum density.

(c) Compaction shall be accomplished by approved mechanical compaction equipment and shall be subject to the approval of the director of public works. Water jetting will not be allowed as a method of compaction.

(d) The backfill material shall be uniformly deposited in layers not to exceed twelve (12) inches in depth before compaction and thoroughly tamped or rammed with approved mechanical compaction equipment in such a manner as to thoroughly consolidate the backfill material and not injure or disturb the conduit, and shall be subject to the approval of the director of public works.

(e) The maximum density shall be determined in accordance with the Method of Test for Mixture-Density Relations of Soils, AASHO Designation: T99, Method C, with replacement of the fraction of material retained on the 3/4 inch sieve with No. 4 to 3/4 inch material. The density of compacted embankment material shall be determined in accordance with the Method of Test for Density of Soil-in-Place by the Sand-Cone Method, AASHO Designation: T191 or by other approved methods. A volumeter will be substituted for the Sand-Cone.

(f) After backfilling the permittee shall install a six (6) inch crushed aggregate base course and a two (2) inch temporary asphalt concrete surface.

(g) Lights and Barricades.

1. Any person making any sewer, drain, ditch, cistern, well, cellar, basement, or other excavations in, upon, crossing, or adjoining any street, alley, sidewalk, or public ground, or so near thereto as to render the same dangerous for the passage of persons thereon shall during every night while such excavation shall remain open or uncovered, erect adequate barricades around the same and place sufficient barricades with flashing lights at the excavation.

2. No person shall interfere with, remove, or molest any barricades so erected or installed and no person shall enter or drive upon any, street, avenue, place, or thoroughfare that has been barricaded.

(h) Maintenance. The person to whom such permit is issued shall be responsible for all defects in excavations and the temporary patch occurring within one year from the completion of the work and shall be liable for all damages resulting from such defects. The city shall maintain and repair all defective excavations during the said one year period and all permittees shall promptly notify the city of any defects occurring in said excavations. The cost of maintenance and repair during the one year period shall be at the expense of the permittee. The permittee shall be responsible for any damages or maintenance problems determined to be caused by settlement of the backfill material. There shall be no time limit on the responsibility of the permittee regarding settlement of the backfill material. The city shall repair the defective area. The cost of maintenance and repair of damages by settlement of the back-fill material shall be paid by the permittee.

(i) Permanent Restoration of Paved Streets. Permanent restoration of the permanent surface of a paved or a surface treated street shall be done by the city under the direction of the director of public works. The cost of replacing said surface shall be as determined by the director of public works in accordance with a schedule of charges on file in his/her office, and shall be paid by the person to whom the street excavation was issued upon completion of the work.

1. The person to whom the permit was issued may, upon application to the director of public works, receive a written consent to install a permanent surface under city supervision, or the director of public works may require that the permittee

replace the permanent surface. All restoration work shall conform to city specifications. Notice must be given the director of public works 24 hours in advance of the time of the replacing of the surface and in no case shall the surface be replaced without an inspector on the job or the written consent of the director of public works being on file. Upon completion of the work and acceptance by the director of public works, the city's cost of such work shall be determined by the director of public works and charged to the person doing the work. The person who does such restoration shall be responsible for any damages or maintenance problems caused by the restoration of the permanent patch.

2. Whenever the director of public works shall find that any such work has become defective, he/she shall give written notice thereof to the permittee stating the defect, the work to be done, the cost thereof, and the period of time deemed by the director of public works to be reasonably necessary to complete said work. After receipt of such notice the permittee must, within the time specified, repair the defect or indemnify the city for the cost of doing the work as set forth in the notice.

(j) Display of Permit. Any person receiving a permit under this section shall have the permit at the place where the work is being performed during working hours and shall exhibit said permit to any police or other office of the city on demand.

(k) Failure to Comply with Requirements. If there shall be a failure of compliance with the provisions of this section, the city may proceed to fulfill the requirements and the expenses therefor shall be a charge against the permittee.

(l) Appeal. In the event any owner or applicant shall be aggrieved by any action of the inspection department or director of public works, or other city officer or board, in connection with the issuance of a permit or the refund of a deposit, or in connection with the application of this ordinance, he/she shall have the right to appeal to the common council by filing notice of appeal with his/her post office address within 10 days after such action. The common council shall act upon such appeal only after hearing and notice, mailed to such appellant at his/her post office address.

#### 16.05 OBSTRUCTIONS ON STREETS AND SIDEWALKS.

(l) Permit Required. No person shall place or deposit any material upon any street, alley, sidewalk, or public ground without first having obtained permission from the Director of Public Works. Such permit shall be valid for a period not to exceed four months, and shall not authorize the obstruction of more than one-third of said street opposite the land or parcel of land on which the erection is to be made by the person to whom such permit is granted. Such permit may be revoked at any time by the common council.

(2) Removal of Material. Every person to whom such permit is granted, shall remove such material from the street at the expiration of the time limited under penalty of \$5.00 for every 48-hour period the material shall remain in the street.

(3) Spilling Material on Streets. No person engaged in removing or hauling of any such material on or across any street, alley, or public ground of the city may throw or let fall said material and leave the same on any street, alley or public ground.

(4) Merchandise on Sidewalks. No person shall use a space on any sidewalk located on Main Street in the city more than three (3) feet in width from the inside line of said walk for the purpose of showing or displaying any merchandise for sale or for advertising purposes. Nor shall any person use a space on any sidewalk located on any other street of more than **two and one-half (2 ½) feet from the inside line of said walks for such purpose.**

(5) Signs, Banners, and Awnings. No person shall erect, put up, fasten, post, paint, construct, maintain or suspend any structure, marquee, canopy, advertisement, sign, awning, or goods of any description upon, over, or under any sidewalk, alley, street, public ground, or public way in the City of Stevens Point without permission of the common council, except the board of public works or its designated agent may permit placement of such structures as follows:

(a) Banners may be permitted over and across a public street provided:

1. Such banner shall be designed to withstand a wind pressure of not less than forty (40) pounds per square foot of area and shall be so constructed as to readily allow its erection.

2. Such banner shall be no longer than forty (40) feet and no wider than four (4) feet.

3. Such banner shall not display or advertise any obscene, indiscreet, or immoral matter, or shall be in any way designed to confuse or interfere with traffic or contain such words as "STOP," "LOOK," "DRIVE IN," "DANGER" or any other word, phrase, symbol, or character in such manner as to interfere with, mislead, or confuse traffic.

4. Such banner shall be of general public interest and shall not contain any electioneering, campaign, or political material.

5. The name of the organization or person responsible for the banner shall be contained on said banner in printed letters at least six (6) inches in height.

6. A fee of \$100.00 to cover the cost of labor incurred by the street department in erecting the banner shall be paid to the city treasurer.

(b) Canopies, marquees, awnings, and signs, including their supports, may be permitted over a sidewalk, alley, street, public ground, or public way in the central business zoning district and the south-side business district, provided:



1. Such canopy, marquee, or awning shall provide a minimum clearance of eight **and one-half (8 ½) feet and a maximum clearance of fourteen (14) feet from the highest** sidewalk elevation fronting the property.

2. Such canopy, marquee, or awning and any support thereof shall extend to a point one (1) foot from the face of the curb and shall extend the full width of the lot; lesser extensions may be permitted.

3. Such canopy, marquee, or awning, and any support thereof, shall extend to a height no greater than fifteen (15) feet measured from the highest sidewalk elevation fronting the property.

4. Such canopy, marquee, or awning shall be supported by rigid supports extending from the face of the building, or other such method of support, as approved by the director of public works and building inspector.

5. Support posts shall be constructed and located to avoid interference with parking of vehicles and discharge of passengers.

6. Canopy, signs or awnings in the central business district are approved by the historic preservation/design review district commission.

7. The owner of such canopy, marquee, awning, or sign shall, at the owner's expense, remove the same upon order of the board of public works or the city inspection department, at such time as either deems removal necessary or in the public interest.

8. Such canopy, marquee, awning, or sign is not in conflict with any plans approved by the city plan commission.

(6) Porches, Doors, Gratings, Etc.

(a) Extension limited. No porch, gallery, stoop, basement door, or platform shall be erected upon any street, alley, or sidewalk without the permission of the board of public works and in no case shall any porch, gallery, stoop, or platform be allowed to extend into or upon any sidewalk more than three feet. No railing on any sidewalk shall in any case exceed three (3) feet in width from the building and no basement door for any mercantile or other establishment, used for receiving goods or other purposes, shall extend out or occupy more than three (3) feet of any sidewalk, and the same shall always be kept shut and secured when not open for immediate use.

(b) Open Basement Door. No person shall open or leave open any basement door or grating on any street, alley, or sidewalk in the city or permit the same to be left open without first providing a responsible person at such door or grating to warn approaching pedestrians or operators of vehicles.

(7) Railings Around Area Ways, etc. Every owner of any building shall keep around every area containing a runway between the sidewalk and building, and on both sides of every flight of stairs descending from the sidewalk to the basement, a sufficient fence or railing at least two and one-half feet high, and shall also keep and maintain a fence or railing in front of such stairway. Every day a violation of this subsection continues shall constitute a separate offense.

(8) Trains Blocking Streets. No person shall stop, or cause to be stopped, any train of cars or engine across any street or alley in the city except a sufficient time to couple and separate cars, not exceeding five (5) minutes.

(9) Vehicles Blocking Streets. No person shall obstruct any street or alley in the city by placing or leaving any vehicle for the purpose of loading or unloading the same, or for any other purpose, except at locations designated by the common council or, where authorized, by the police department.

(10) Overhanging Branches & Shrubs. The owners of real estate in the city abutting on public streets shall cause all overhanging limbs of trees and shrubs growing upon their respective properties to be trimmed to provide at least eight feet of clearance above any adjoining street, alley, or sidewalk and to permit the unobstructed use of the same to their full widths. Such owners shall also remove all dead trees and dead limbs upon or overhanging or near any street or public sidewalk adjoining their premises. If such owner shall fail or neglect to trim such trees or shrubbery, the city shall proceed to trim or remove the same and charge the expense therefor to the abutting property owner.

#### 16.06 SNOW AND ICE REMOVAL.

(1) Removal from Sidewalks. The owner, occupant or person in charge of any building fronting upon or adjoining any street, and the owner or person in charge of an unoccupied dwelling or lot fronting as aforesaid, shall clean the sidewalk in front of or adjoining such building, or unoccupied lot or dwelling, which on corner lots shall include the sidewalk or ramps extending to the street, of snow and ice from such sidewalk and cause same to be kept clear of snow and ice, provided that when ice has formed on any sidewalk that it cannot be removed, the persons herein referred to shall keep the same sprinkled with ashes, sawdust, or sand. In the event of a snowstorm, accumulated snow shall be removed from the abutting sidewalk by the owner or occupant of any premises within twenty-four hours after the snow ceases to fall, except on those streets or portions thereof where no boulevard is located, in which case snow shall be removed within 48 hours. Also excepting on those streets or portions thereof in areas where a substandard width sidewalk with no boulevard is located, in which case snow shall be removed within 120 hours.

(2) City May Remove and Place on Tax roll. Whenever the owner or occupant of any lot or premises shall neglect or fail to remove the snow or ice in front of the same, in regard to the hours specified above, the city inspection department shall cause such snow to be removed, provided that when ice has so formed on any sidewalk that it cannot be removed, the same shall be sprinkled with sand, and when completed, the city clerk shall prepare a bill of cost thereof, describing the real estate in front of which the work is done; if the cost of removal is not paid, it shall be placed in the next tax roll by the clerk in a separate column to be called "snow removal" and the same shall be collected in the like manner as other taxes are collected.

(3) No owner, occupant, or person shall place any snow or ice on or into any sidewalk, street, or alley without permission from the Public Works Director.

#### 16.07 MOVING BUILDINGS.

(1) Permit Required. No person shall remove or assist in removing any building into, along, or across any street, alley, or public ground in the city without first obtaining a written permit therefor from the board of public works.

(2) Moving Regulations. No building being moved shall be permitted to remain in any street alley or public grounds for a longer time than one day after notice from the mayor or any alderman or policeman to remove the same. Each day, following receipt of the notice, that the building is not removed shall constitute a separate offense.

(3) Cost of Traffic Control Personnel. In the event there is a determination made after reviewing the route to be traveled by the proposed building through the city streets or thoroughfares that such moving will cause a traffic hazard or congestion of traffic, the supervisor of building inspection may request that the person obtaining such permit, as required by subsection (I), shall reimburse the City of Stevens Point for traffic control at actual cost to the city for all time involved.

#### 16.08 PARKLETS

##### (1) Parklets

A parklet is a platform/seating area, sidewalk extension in the on-street parking lane of the right-of-way, or municipal parking lot stall(s) adjacent to a business intending to utilize the stall for parklet purposes. The parklet can be used to extend the sidewalk space, add additional outdoor seating for a restaurant, or to provide additional public space for people to stop and sit. A parklet repurposes part of the street or municipal parking lot into a space for people and improves the aesthetics of the streetscape or parking lot, but also can improve the business operations of nearby businesses.

##### (2) Location & Eligibility

Parklets shall be permitted within Central Business District Zoned Areas (B-3) or within parking stalls adjacent to an area zoned B-3.

##### (3) Duration

Parklets are permitted from May 1 through October 31.

##### (4) License

A license shall be required for all parklets. The application process to apply for a license shall be identified within the most recent Stevens Point Parklets Handbook and shall be followed by all applicants.

(5) Insurance

Liability insurance covering the City of Stevens Point and the parklet applicant/owner for the licensed parklet shall be required to the extent specified by the City of Stevens Point.

(6) Requirements

Parklets shall be constructed and/or installed to conform to the applicable provisions, rules, regulations and guidelines of the most recent Stevens Point Parklets Handbook.

16.09 CREATION OF PEDESTRIAN MALL. The following described areas are hereby designated as pedestrian malls pursuant to Wisconsin Statutes 66.0905, to limit the use of vehicular traffic. Creation of such mall shall not constitute a discontinuance or vacation of such street or public way.

Main Street at M & I Mid-State Bank, 1245 Main St. for fountain.

Main Street from the west ROW of Water Street to the Wisconsin River.

Reserve Street from the south ROW of Fourth Avenue to the north ROW of Stanley Street.

East Avenue from the south right of way of Jefferson Street to the north right of way of Oak Street.

16.10 PENALTIES. A violation of any of the provisions of this section shall subject the violator to a forfeiture not to exceed \$100, together with cost of prosecution, and in lieu of payment assessed, imprisonment in the county jail not to exceed sixty (60) days.

16.11 GOLF CART CROSSING POINT

(1) There is hereby established a golf cart crossing point upon Reserve Street North located 450 feet south of the intersection of DuBay Avenue.

(a) Any golf cart operated on such golf cart crossing point shall stop and yield a right of way to all vehicles approaching on the highway (Reserve Street North) before crossing the highway (Reserve Street North).

(b) All golf carts shall be equipped with reflective devices such as headlights and brake lights.

(2) Golf cart may be operated on any public street within Eagle Pointe Subdivision, Eagle Summit Drive and Falcon Cove Drive as located within the City of Stevens Point and on the east side of Reserve Street North from a point 450 feet

south of DuBay Avenue to a point 2,600 feet south of DuBay Avenue (see attached Exhibit A), subject to the following rules and regulations:

(a) All operators of a golf cart shall hold a valid Motor Vehicle Operator's License issued by the state of Wisconsin or any other state. A person not having a valid driver's license who is otherwise eligible to obtain a valid driver's license shall be permitted to operate such golf cart on the designated area.

(b) The operator of any golf cart on a public highway shall yield the right of way to all pedestrians, bicyclists and motor vehicles operating on such highway.

(c) All golf carts operating on such designated area shall be equipped with reflective devices, headlights and brake lights.

(d) All golf carts shall be operated on any public highway pursuant to Sec. 346.05(1) and (3) Wis. Stats.

#### 16.12 CENTRAL BUSINESS DISTRICT SIDEWALK CAFÉ LICENSES.

(1) **Central Business District Sidewalk Café Licenses.** Establishments holding a restaurant license issued by Portage County and located in the Central Business District **may be eligible for a Sidewalk Café License, to allow sidewalk café seating for service of food and beverages on the public sidewalk directly adjacent to the establishment.**

(a) **Eligibility.** An establishment holding a food and drink permit is eligible for a **Central Business District sidewalk café only if it meets all of the following eligibility criteria:**

1. The entire sidewalk **surface for the proposed sidewalk café must be paved.** For purposes of this section, a paved surface includes concrete, asphalt, brick pavers, or other impervious surface. Paved areas of the establishment's private property may be included within the **boundary of the proposed café, if immediately adjacent to the paved public sidewalk.**

3. The paved portion of the adjacent public sidewalk must be at least eight feet (8') wide. **An establishment is not eligible if sidewalk café placement would result in less than a minimum of a five feet (5') wide unobstructed public pedestrian walkway on the public sidewalk adjacent to the café site.**

4. An establishment is not eligible if, in the opinion of the Director of Public Works, immovable, obtrusive or too numerous public amenities on the adjacent sidewalk **make café placement impractical, or when existing amenities would create obstacles to accessibility if a sidewalk café were added to that location.**

5. An establishment is not eligible if, in the opinion of the Director of

6. Public, the grade or slope of the adjacent public sidewalk is prohibitive, if the **sidewalk does not offer a sufficiently level surface for food and drink service, or if café** placement would present a safety hazard due to any other elements of the topography or layout of the sidewalk, regardless of the width or square footage of the adjacent public sidewalk.

(b) Application. Establishments holding a restaurant license and meeting the eligibility requirements in sub. (a), "Eligibility", may apply for a **Central Business District Sidewalk Café License**. The Director of Public Works or designee shall inspect the **proposed café location for compliance with sub. (a), "Eligibility"**, and to make placement suggestions upon receipt of application, or prior to submission, if requested by the applicant.

(c) License Fees. **The fee for a Central Business District Sidewalk Café License** shall be thirty dollars (\$30.00) per license year.

(d) Café Placement and Dimensions. **Sidewalk cafés permitted under this section** shall be located next to the building, except as allowed in sub.(e), "Alternate Placement". **All sidewalk cafés shall be placed within the approved boundaries of the sidewalk café site as set forth on the approved application. All components of the sidewalk café shall be** placed in compliance with sub. (a), "Eligibility", and the following criteria:

1. **Sidewalk cafés shall be placed against the building.**
2. **Sidewalk cafés shall extend no further than the side property lines of the establishment's street frontage.**
3. [Repealed 06-15-2020]
4. **Café Width.** The maximum café width shall be determined by the width of the adjacent public sidewalk, according to Table 1 below. Sidewalk width shall be measured from the building face to the curb face (or roadside edge of the sidewalk if there is an unpaved terrace)
5. **Café Furniture.** Maximum table size and furniture configuration shall be as required by Table 1 below.

TABLE 1:

<u>Sidewalk Width</u>	<u>Maximum Café Width</u>	<u>Maximum Table Size &amp; configuration</u>	
less than 8'		café not permitted	n/a
8' - 9' 11"	3' café	24" in diameter in single row	
10' - 15'	5' café	36" diameter in single row	

6. Cafés shall have at least one (1) unobstructed entrance of at least three feet (3') and not more than five feet (5') in width, the position of which allows sufficient access to the public entrance to/egress from the restaurant.

7. Cafés shall not be placed on any grass, lawn or other non-paved areas of the right-of-way.

8. Cafés shall comply with all other applicable requirements of this ordinance. In the event of a conflict with another section, the more strict requirement shall control.

(e) Alternate Placement: Case-by-Case Determination: The Director of Public Works may, on a case-by-case basis and at his/her discretion, allow variances to sections 16.12(1)(d), "**Café Placement and Dimensions**", and approve a **sidewalk café accordingly**, after inspection of the site, if in the opinion of the Director, such a variance is necessary in order to permit a **sidewalk café for an otherwise eligible establishment**.

(f) Appeals. A decision to grant or deny a citywide **sidewalk café license under this section** may be appealed to the Common Council.

(g) Vendors must maintain their vending areas in a clean and hazard-free condition.

(h) Vending equipment. All vending equipment including tables, apparatus and merchandise shall be removed from the streets, sidewalks during times when vending is prohibited.

1. Temporary exception for 2020. Due to expanded interest in outdoor seating during the Covid-19 pandemic, the requirements of subsection (1)(h) shall be waived for the period lasting from the effective date of this ordinance until November 1, 2020. Any equipment left outdoors overnight shall be secured with cable and lock or equivalently strong theft and tamper deterrent from 11:00 P.M. until at least 6:00 A.M. the following day.

(i) Authority. The Police Department and the Director of Public Works shall have concurrent authority to remove or cause the removal of any vending equipment or furniture found on the street or sidewalk after hours. In addition to any forfeiture, the violator shall be liable for any removal, towing and storage charges incurred by either department.

(j) Liability insurance covering the **City of Stevens Point and the sidewalk café owner for the licensed sidewalk café site shall be required, including insurance to cover liquor liability, to the extent specified by the City of Stevens Point Comptroller.**

(k) Operation. Sidewalk cafés may operate from 7:00 a.m. through 11:00 p.m. each day from April 15 through October 31 of each year.

(l) Violations of Section 16.12 may result in revocation of the Sidewalk Café License.

(2) Central Business District Sidewalk Café with Alcohol Beverage License.

(a) Consumption of alcohol beverages in all sidewalk café shall be limited to persons seated at tables in the sidewalk café site. In the case of sidewalk cafés having an alcohol beverage license, food service shall be required to be available at all times the sidewalk café is open.

(b) Liability insurance covering the City of Stevens Point and the sidewalk café owner for the licensed sidewalk café site shall be required, including insurance to cover liquor liability, to the extent specified by the City of Stevens Point Comptroller.

(c) Serving alcohol. Each sidewalk café serving alcohol beverages shall be responsible for policing the area of the sidewalk café to be sure those customers are of the legal drinking age and that alcohol beverages are not removed from the premises.

(d) No alcohol. There shall be no sale of alcohol for consumption at a sidewalk café after the time approved and specifically indicated on the owner's alcohol beverage license until normal opening of business each day. In addition, all containers of intoxicating beverages shall be removed from the tables of the sidewalk café and the sidewalk café area during those times.

1. For the Central Business District service of alcohol in sidewalk cafés shall stop no later than 9:30 p.m., with all alcohol off the table by 10:00 p.m. and the sidewalk café closing at 11:00 p.m.

2. All sidewalk café alcohol beverage licenses issued in the city shall expire on June 30 each year and be subject to renewal.

3. Cafés shall be enclosed on all sides (the building face may serve as one side of the enclosure), the non-building enclosure sides shall consist of a minimum of three feet (3') open fence as determined by the Director of Public Works.

(3) Inconsistent Ordinances. The provisions of Section 16.05, "Obstructions on Streets and Sidewalks", which are inconsistent with this ordinance shall not apply to Central Business District Sidewalk Cafes.

### 16.13 PLACING DEBRIS ON STREETS AND SIDEWALKS PROHIBITED

(1) No person shall intentionally place any lawn clippings, sand, soil, gravel, stones, junk, garbage, or any other debris or material onto any sidewalks, streets, or alleys without permission from the Director of Public Works. Any person sweeping or blowing such materials shall take due care to ensure that no amount is left upon City streets and sidewalks.

(2) Owners of properties with gravel driveways shall ensure that the sidewalk



adjacent to such driveways remains free of sand, gravel, and stones.

- (3) Any person violating this subsection shall be subject to a citation in the amount of \$50.00 plus any applicable fees and surcharges. Such citation may be issued by the Stevens Point Police Department, the Director of Public Works or designee, or any other person authorized under applicable City ordinance.