

6-2-7

- (1) Such temporary obstruction shall cover not more than one-third (1/3) of any street or alley.
 - (2) Obstructions shall be sufficiently lighted at night so as to be in full view of the public from all directions.
 - (3) Sidewalk traffic shall not be interrupted, but temporary sidewalks of not less than four (4) feet in width guarded by a closed fence at least four (4) feet high on both sides may be maintained during the period of occupancy.
 - (4) The process of moving any building or structure shall be as continuous as practicable until completed and, if ordered by the Village Board or Director of Public Works, shall continue during all hours of the day and night.
 - (5) No building or structure shall be allowed to remain overnight on any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant.
 - (6) Buildings shall be moved only in accordance with the route prescribed by the Village Board, upon the recommendation of the Director of Public Works and law enforcement authorities.
 - (7) Upon termination of the work necessitating such obstruction, all parts of the streets, alleys, sidewalks or public grounds occupied under the permit shall be vacated, cleaned of all rubbish and obstructions and placed in a safe condition for public travel at the expense of the permittee.
- (e) **Termination.** All street privilege permits shall automatically terminate at the end of three (3) months from the date of issuance unless an earlier termination date is specified thereon at the discretion of the Village Board or Director of Public Works.
- (f) **Removal by Village.** In addition to any other penalty imposed, if the owner or occupant of the premises adjoining any lawfully obstructed sidewalk shall remove or neglect to remove such obstruction within twenty-four (24) hours after such notice from the Village Board or designee to do so, it shall be the duty of the Village to remove such obstruction and make return of the costs and expenses thereof to the Village Clerk-Treasurer who shall enter such cost on the next annual tax roll as a special charge against the property abutting such obstructed sidewalk, and such sum shall be levied and collected as other special taxes against real estate.

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

Sec. 6-2-8 Snow and Ice Removal.

- (a) **Removal From Sidewalks.** Within twenty-four (24) hours after the cessation of any fall of sleet or snow, it shall be the duty of the owners and/or the occupants of any lot or parcel of land abutting any street right-of-way containing a sidewalk in the Village of Fall River

to remove, or cause to be removed, the snow or sleet from any and all sidewalks and the nearest cross-side-walks adjacent to the premises of such owner or occupant, and to keep the same free and clear of snow and ice for the full width of the sidewalk.

- (b) **Failure to Remove.** In case of failure or neglect of any owner or occupant of any land or parcel of land to remove the snow from sidewalks as specified in Subsection (a) within the time set forth in said Subsection and, after twenty-four (24) hours after the cessation of any fall of snow, the owner or occupant has failed to remove such snow from sidewalks as specified in Subsection (a), the Village Board or its designee shall remove or cause the snow to be removed from any and all sidewalks and cross-sidewalks that may be so neglected by the owner or occupant, and a fee established by the Village Board shall be assessed against the owner or occupant for the cost and expense of moving such snow. The fee will be charged against the respective lots and parcels of land adjacent to which said work shall be done, as a special charge, and such sum or sums shall be collected in the same manner as other special taxes.

- (c) **Snow and Ice Not to Encroach.**

(1) **Streets and Sidewalks.** No person shall push, shove or in any way deposit any snow or ice onto any public streets, alley, sidewalk or public lands dedicated to public use except for parcels or lots located where existing buildings are constructed within five (5) feet of the street right-of-way and the sidewalks exist from the Village right-of-way to the curb line. In such instances, the owners, occupants and/or employees of parcels or lots shall be permitted to deposit snow and ice from their sidewalks onto the public streets. Failure to remove snow and ice within twenty-four (24) hours shall also constitute a public nuisance and subject responsible persons to the penalties applicable for violation of Village public nuisance ordinances.

(2) **Handicapped Parking Spaces.** No person, firm, corporation or partnership or the owner, tenant, lessee or occupant of any premises having parking spaces reserved for handicapped drivers or any contractor employed for the removal of snow and ice shall block access to parking spaces reserved for handicapped drivers by the plowing, piling or placement of snow and ice in such reserved spaces.

(3) **Fire Hydrants.** It shall be unlawful to cover a fire hydrant with snow or ice. The property owner adjacent to a hydrant shall keep the hydrant free of snow accumulations.

(4) **Improper Disposal on Private Property Without Authorization.** No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate upon which the snow or ice is to be placed.

- (d) **Depositing and Plowing Snow Upon Public Right-of-Ways.**

(1) **Improper Deposit Across Roadways.** No person, firm or corporation shall plow, shovel, push or blow across and deposit upon any public roadway, street, or right-of-way in the Village of Fall River significant quantities of snow and/or ice taken or removed from property privately owned or occupied, or cause said actions to occur.

- (2) **Improper Deposit Upon Roadways.** No person, firm or corporation shall deposit, or cause to be deposited, in or upon the traveled portion of any public roadway or street in the Village of Fall River significant quantities of snow and/or ice taken or removed from property privately owned or occupied.
- (3) **Deposit of Snow/Ice Near Corners.** No person, firm or corporation shall deposit or store, or cause to be deposited or stored, in or upon any portion of a public right-of-way in the Village of Fall River that lies within twenty-five (25) feet of the corner of any public roadway or street snow and/or ice taken or removed from property privately owned or occupied. The adjoining property owner shall keep fire hydrants free of snow and ice.
- (4) **Prima Facie Violations.** The existence of any significant quantities of snow and/or ice deposited by mechanical, blowing or other artificial means in violation of Subsection (d)(1)-(3) above on any public roadway, street or right-of-way shall be prima facie evidence that the owner or occupant of the abutting or adjacent property with closest roadway access thereto placed or deposited said snow and/or ice across or upon said public roadway, street or right-of-way.
- (5) **Definitions.** For purposes of this Subsection:
 - a. **Significant Quantities of Snow and/or Ice** means snow and/or ice in quantities such that public safety, traffic visibility, structural integrity of roadways, snow storage capacity for Village snow removal activities, or drainage capabilities of ditches in public right-of-ways are impaired, as determined by the Village of Fall River.
- (e) **Continued Violations.** Each twenty-four (24) hour period where a violation occurs shall constitute a separate offense under this Section for enforcement purposes. Repeated violations or subsequent additional accumulations of snow and/or ice shall not nullify any pending notice issued under this Section. Failure to remove snow and ice within twenty-four (24) hours shall also constitute a public nuisance and subject responsible persons to the penalties applicable for violation of Village public nuisance ordinances per Sec. 1-1-6.
- (f) **Abatement After Notice.** Failure of the owner, occupant or person in charge of any parcel or lot to cause the removal of snow and/or ice within the time established under Subsection (a) shall result in a citation being issued to violators and/or the Village causing the removal of said snow and/or ice and billing the cost thereof pursuant to Subsection (g) below.
- (g) **Expense.** An account of the expenses incurred by the Village of Fall River to abate the snow and/or ice hazard shall be kept and such expenses shall be charged to and paid by the parcel or lot owner; such charge shall be based on a minimum Village charge in addition to removal and administrative expenses. Said expenses shall be not less than as prescribed in Section 1-3-1. Notice of the bill for the removal of snow and/or ice shall be mailed to the last-known address of the owner of the parcel or lot and shall be payable within ten (10) calendar days from the receipt thereof. Within thirty (30) days after such costs and

expenses are incurred and remain unpaid, the Village Clerk-Treasurer shall enter those charges onto the tax roll as a special charge as provided by Sec. 66.0627, Wis. Stats.

- (h) **Penalty.** In addition to, or as an alternative to, the provisions set forth in this Section for special removal charges, any person, firm or corporation which violates the provisions of this Section shall be subject to a forfeiture as provided in Section 1-1-6 of this Code of Ordinances. Each day in violation of this Section shall be considered a separate offense.

State Law Reference: Sec. 66.0627, Wis. Stats.

Sec. 6-2-9 Terrace Areas.

- (a) **Definition.** The definition of "terrace" shall be as defined in Section 6-4-3(d).
- (b) **Noxious Weeds; Paving.** All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be paved, surfaced or covered with any material which shall prevent the growth of plants and shall be maintained as a lawn, except in areas specifically approved by the Village Board or its designee. Basketball backstops, statuary, structures, flag poles, sprinkler systems, decorative berms, "invisible" dog fencing, and other objects shall not be placed in the terrace area.
- (c) **Responsibility to Maintain.** Every owner of land in the Village of Fall River whose land abuts a street right-of-way which may include a terrace and/or sidewalk is required to maintain, or have maintained by his/her tenant, the terrace and/or sidewalk within the street right-of-way directly abutting such land as provided in this Section and elsewhere in this Code of Ordinances. Every owner shall keep mailboxes located on a terrace free and clear of snow.

Cross-Reference: Title 6, Chapter 4.

Sec. 6-2-10 Vaults.

All vaults and cisterns under sidewalks shall be prohibited.

Sec. 6-2-11 Requests for Improvements.

Requests or petitions by Village of Fall River property owners for replacement, street resurfacing, curb and gutter, storm sewers, utility work and sidewalks shall be presented to the Village Board on or before September 15th to be considered for installation in the following year.