

Ordinance 2016-01
TOWN OF PHELPS SIDEWALK ORDINANCE

The Town Board of the Town of Phelps, Vilas County, Wisconsin, does ordain as follows:

SECTION 1 - PURPOSE

The purpose of this Ordinance is to establish rules and regulations for sidewalks throughout the Town of Phelps, and to promote proper safety and appearance of such sidewalks.

SECTION 2 – DEFINITIONS

As used in this Ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- 1.) **Block:** To interfere with unobstructed travel by any means, including, but not limited to, standing on part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
- 2.) **Sidewalk:** Any sidewalk owned or maintained by the Town of Phelps. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites, or any other private property.
- 3.) **Litter:** Litter means all garbage, refuse, rubbish, paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, and any and all other solid wastes.

SECTION 3 – DEPOSITING LITTER ON SIDEWALKS

It shall be unlawful for any person or persons to place or cause to be left any litter which is unsightly or which may cause any unpleasant smell or sight or constitute a hindrance to public use of the sidewalk. Persons owning or occupying property adjacent to a sidewalk shall keep the sidewalk in front of their premises free of all litter. A violation of this Section shall result in the owner or occupant of the property adjacent to the sidewalk being subject to a forfeiture as set forth in Section 7 of this Ordinance.

SECTION 4 – SIDEWALKS TO BE KEPT CLEAR OF ICE AND SNOW

The owner or occupant of any property abutting a sidewalk shall promptly, each day, remove all snow and ice which may have fallen or accumulated upon the sidewalk in front of such property. When ice has so formed that it cannot be removed, the owner or occupant of the adjacent premises shall keep the sidewalk sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians. If the owner or occupant of the premises adjoining a sidewalk fails to comply with this Section, the Town Foreman of the Town of Phelps shall cause the snow and ice to be removed or sprinkled, as required under this Section.

SECTION 5 – PLACEMENT OF SNOW AND ICE ON PUBLIC GROUNDS

- 1.) No owner, occupant or person in charge of any parcel of property which abuts upon a Town sidewalk, street or alley in the Town of Phelps, shall push, shove or deposit any snow or ice into or on any street, alley, sidewalk, public grounds or lands dedicated to the public use, or any part thereof, or permit such snow and ice to be placed or deposited on any of the above mentioned areas.
- 2.) The Town Crew Foreman for the Town of Phelps shall immediately, upon knowledge of a violation of Section 6.1. above, give written notice to the owner, occupant or person in charge of any premises from which snow or ice has been deposited into any streets, alleys, sidewalks, public grounds or lands dedicated to the public use, subject to the exceptions set forth in the immediately preceding paragraph, to remove said snow or ice by 10:00 a.m. of the day following the date of the notice. Upon failure to comply with said notice, the Town Crew Foreman of the Town of Phelps shall remove or cause the removal of such snow and ice and the cost thereof shall be assessed to the premises from which the snow and ice was removed and, if not paid, shall be placed on the tax rolls as a special assessment against said premises as permitted by the Wisconsin Statutes.
- 3.) The Town Crew Foreman of the Town of Phelps may, in the interest of public safety, order that snow be temporarily placed or piled on public grounds by members of the Town Crew. Such snow or snow piles shall be removed within 72 hours.

SECTION 6 – BLOCKING OF SIDEWALKS PROHIBITED

No person shall block any sidewalk by obstructing the same in any manner whatsoever except, a merchant operating a retail establishment open to the general public may display merchandise on the sidewalk subject to the following restrictions:

- a.) The retail establishment is immediately adjacent to the sidewalk; and
- b.) A 3-foot passageway for pedestrian traffic shall at all times be left open; and
- c.) Merchandise for retail sale shall be securely and adequately placed so that it will not endanger passersby or fall or extrude into any street or alley; and
- d.) The retail sale of such merchandise displayed on the sidewalk shall not be operated in any manner which would cause a nuisance, or create a fire hazard or endanger the safety of any pedestrian.

e.) Merchandise for retail sale may be displayed on a sidewalk only during the hours of 6:00 a.m. to 8:00 p.m. during the months of May through October of each year.

A violation of this Section shall result in the owner or occupant of the property adjacent to the sidewalk being subject to a forfeiture as set forth in Section 7 of this Ordinance.

SECTION 7 – FORFEITURE

A violation of the appropriate Sections of this Ordinance shall result in the owner or occupant of the property adjacent to the sidewalk being subject to forfeiture in an amount of not less than \$50.00, nor more than \$100.00 per day for each day of violation.

SECTION 8 – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin and the regulations and ordinances of the Town of Phelps, Vilas County. A copy of this ordinance shall be sent by the town clerk to all Law Enforcement Agencies affected.

SECTION 9 – SEVERABILITY

- 1.) If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.
- 2.) The provisions of this ordinance shall be deemed severable and it is expressly declared that the County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid.
- 3.) This ordinance will be reviewed as deemed necessary.
- 4.) This ordinance can be modified and/or repealed at any time should just cause be found for excessive violation and issues of harm and safety to the public or the environment.

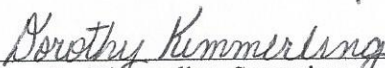
SECTION 10 – EFFECTIVE DATE

Following passage by majority vote of the Phelps Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

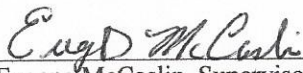
Adopted this 11th day of January, 2016




Steve Doyen, Chairman



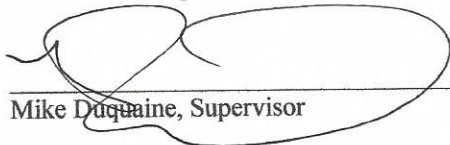
Dorothy Kimmmerling, Supervisor



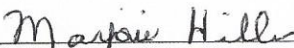
Eugene McCaslin, Supervisor



Steve Waier, Supervisor



Mike Duquaine, Supervisor

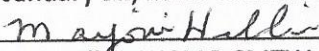
ATTEST: 

Marjorie Hiller, Clerk/Treasurer

POSTED: January 19, 2016 - Town Website, Phelps Post Office, Phelps Convenience Center and Phelps Community Center.

EFFECTIVE DATE: JANUARY 20, 2016

I, Marjorie Hiller, Clerk/Treasurer of the Town of Phelps, do hereby certify that the attached is a true and correct copy of Ordinance #2016-01 Sidewalk Ordinance which was passed at the January 11, 2016 Town Board Meeting.



Marjorie Hiller, WCMC-CMTW Clerk-Treasurer