

SIDEWALK USE APPLICATION

Scandinavia Ord 3-2-5(c)

\$10.00 Annual Fee

Property Address: _____

Applicant Name: _____

Owner Phone #: _____

Description of the proposed use of the Village sidewalk:

In order to be eligible for a sidewalk use permit, the applicant must meet the following conditions as laid out in Scandinavia Ordinance 3-2-5(c)(1):

- a. The property must be located in an area zoned for commercial uses.
- b. The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.
- c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five (5) feet at any point.
- d. The property owner shall provide the Village with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the Village sidewalks. In addition, the Village shall be identified as a third-party insured.
- e. The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise. Specifically excluded are all forms of vending machines, vendors carts or tables, etc.
- f. The property owner whose property adjoins the Village sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.
- g. The property owner or the occupant of the subject property shall display the approved permit in the window of the building so that it can be seen from the sidewalk.

APPLICANT MUST ATTACH PROOF OF INSURANCE PER 3-2-5(c)(1)(d)

Date: _____

Applicant Signature

Village Clerk Signature

A copy of this application, signed by Village Clerk, shall serve as the permit required to be displayed under Scan Ord. 3-2-5(c)(1)(g)

SEC. 3-2-5 OBSTRUCTIONS AND ENCROACHMENTS.

(a) **Obstructions and Encroachments Prohibited.** No person shall encroach upon or in any way obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsections (b) and (c).

(b) **Exceptions.** The prohibition of Subsection (a) shall not apply to the following:

(1) Temporary encroachments or obstructions authorized by permit under Section 3-2-6 of this Section pursuant to Sec. 66.045, Wis. Stats.

(2) Building materials for the period authorized by the Building Inspector which shall not obstruct more than one-half (1/2) of the sidewalk or more than one-third (1/3) of the traveled portion of the street and which do not interfere with the flow in the gutters.

(3) Excavations and openings permitted under Sections 3-2-3 and 3-2-4 of this Code.

(4) Signs or clocks attached to buildings which project not more than six (6) feet from the face of such building and which do not extend below any point ten (10) feet above the sidewalk, street or alley.

(5) Awnings which do not extend below any point seven (7) feet above the sidewalk, street or alley.

(c) Issuance of Permit.

(1) The Village Clerk may issue a permit which allows property owners to place certain fixtures on sidewalks which immediately adjoin their property. In determining if a permit shall be authorized, all of the following requirements must be met:

a. The property must be located in an area zoned for commercial uses.

b. The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building, and shall be of a temporary design.

c. The placement of the fixture shall not impede the flow of pedestrian traffic on the sidewalk. In no event shall the fixture reduce the unobstructed sidewalk width to less than five (5) feet at any point.

d. The property owner shall provide the Village with proof of liability insurance coverage. The insurance coverage shall be an amount of not less than Five Hundred Thousand Dollars (\$500,000.00) per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the Village sidewalks. In addition, the Village shall be identified as a third-party insured.

e. The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise. Specifically excluded are all forms of vending machines, vendors carts or tables, etc.

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f. The property owner whose property adjoins the Village sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application.

g. The property owner or the occupant of the subject property shall display the approved permit in the window of the building so that it can be seen from the sidewalk.

(2) Upon reviewing the permit application if it is determined by the Village Clerk that all of the above requirements have been met, he shall issue the permit. Said permit may be revoked by the Village President, Village Street Committee, Village Clerk, Building Inspector or any Village law enforcement officer (“Village enforcement officials”) at any time when one (1) or more of the above requirements are not complied with or if he determines that the placement of the fixture(s) endangers the safety of the pedestrians who utilize the sidewalks.

(d) Removal by Village for Sidewalk Obstructions and Encroachments. In addition to any other penalty imposed, if any Village enforcement official determines that a sidewalk is unlawfully obstructed in violation of this Section, he shall issue a written notice to the owner or occupant of the premises which adjoins the obstructed sidewalk directing that the obstruction be removed within twenty-four (24) hours.

(e) Removal by Village for Obstruction and Encroachments Located in the Village Streets, Alleys, Public Grounds or Lands Dedicated for Public Use. In addition to any other penalty imposed, if any Village enforcement official determines that a Village street, alley, public grounds or land dedicated for public use is obstructed or encumbered, he shall issue a written notice to the property owner of the premises which adjoin the obstructed public area directing that the obstruction be removed within twenty-four (24) hours.

(f) Failure to Remove Obstruction.

(1) If the owner or occupant fails to remove the obstruction within the time period established in Section (d) or (e) respectively, any Village enforcement official shall cause the removal of the obstruction keeping an account of the expense of the abatement, and such expenses shall be charged to and paid by such property owner. Notice of the bill for abatement of the obstruction shall be mailed to the owner of the premises and shall be payable within ten (10) calendar days from receipt thereof. Within sixty (60) days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter those charges onto the tax roll as a special tax as provided by the State Statutes.

(2) The failure of the Village Clerk to record such claim or to mail such notice or the failure of the owner to receive such notice shall not affect the right to place the Village expense on the tax rolls for unpaid bills for abating the obstruction as provided for in this Section.

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