

draft

- MUNICIPAL CODE

Chapter 86 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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Chapter 86 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES¹

ARTICLE I. IN GENERAL

Sec. 86-1. Penalty.

Except as otherwise provided, any person who shall violate any provision of this chapter, or any order, rule, or regulation made under this chapter, upon conviction thereof, shall be subject to a penalty as provided in section 1-14.

(Code 1978, § 8.15)

Sec. 86-2. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Carriage Walk is a short concrete, brick, or stone walkway that connects the public sidewalk to the street curb across the terrace (the grassy strip or tree lawn).

Developed property: A property on which a residential, business or industrial building exists.

New street construction: New street construction is defined as any activity in which additions are accomplished to minimally constructed existing transportation corridor infrastructure where upon completion results in a material improvement to either vehicular or pedestrian travel within the city. Activities that constitute material improvements shall be where the construction results in the addition(s) of structurally engineered and

Commented [JL1]: Sidewalk: A paved pedestrian facility located within a public street right-of-way or public easement intended for pedestrian travel.

Commented [JL2R1]: Carriage Walk is a short concrete, brick, or stone walkway that connects the public sidewalk to the street curb across the terrace (the grassy strip or tree lawn).

¹Cross reference(s)—Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the city saved from repeal, § 1-10(5); any ordinance establishing or prescribing grades, curb lines and sidewalk widths in the public streets and alleys in the city saved from repeal, § 1-10(6); any ordinance providing for local improvements and assessing taxes therefor saved from repeal, § 1-10(14); the vacation, extension, and discontinuance of public streets and alleys saved from repeal, § 1-10(15); any ordinance providing for lighting of streets and alleys saved from repeal, § 1-10(23); board of public works, § 2-286 et seq.; consumption of alcoholic beverages in public places, § 6-1; animals and fowl not to run at large, § 14-1; dogs not to run at large, § 14-74; buildings and building regulations, ch. 18; moving buildings, § 18-541 et seq.; cable communications, ch. 26; cemeteries, ch. 30; environment, ch. 38; floods, ch. 46; library, ch. 62; parks and recreation, ch. 70; peddlers and solicitors, ch. 74; planning, ch. 78; subdivisions, ch. 90; street grades and surfaces in subdivisions, § 90-152; traffic and vehicles, ch. 98; utilities, ch. 102; vegetation, ch. 106; vehicles for hire, ch. 110; zoning, ch. 114.

approved roadway surface, structural base material installation, engineered surface material installation, introduction of designed curb, gutter, sidewalk or storm drainage systems. For purposes of this definition both vehicular and pedestrian infrastructure elements shall be viewed as equal components of a transportation corridor.

Performance specifications and construction standards: Performance specification and construction standards approved by the city council.

Sidewalk: A paved pedestrian facility located within a public street right-of-way or public easement intended for pedestrian travel.

Street reconstruction: Street reconstruction shall be defined as any or all of those activities that repair, improve, modify or enhance existing elements within a transportation corridor. Modifications to existing specific infrastructure components that were previously constructed or which at the direction of the common council require a change to existing grades or street widths as necessary to address safety illustrated by changes in vehicular or pedestrian transportation movements shall be considered as reconstruction to the extent that elements existed prior to design or planning of construction activity. The addition of transportation corridor elements that were not previously constructed shall be considered as new street construction for the purposes of this chapter.

Street resurfacing: Street resurfacing shall be defined as any construction maintenance activity that results in a renewal of full block sections of traveled vehicular roadway within existing city right-of-way. Examples of this activity are those where an over-lament of concrete, bituminous, micro-surface, or crack sealing materials are installed to arrest the intrusion of water to the structural component(s) of a roadway.

Transportation corridor: A transportation corridor is an area within the city street where infrastructure has, will, or may be constructed to allow for the safe passage and transportation of vehicular and pedestrian movements alike.

Transportation corridor elements: Transportation corridor elements shall be defined for purposes of this chapter as the following: Structurally engineered and suitable roadway base under-lament materials, traveled roadway surface materials, curb, gutter, storm system manholes, inlets, drains and pipe, sidewalk and fire protection system(s) and street lighting. Open ditches and related components which perform as a storm drainage system shall not be considered as an existing transportation corridor element.

(Ord. No. 559-02, § II, 2-18-03; Ord. No. 745-19, § 6, 3-5-19)

Secs. 86-3—86-30. Reserved.

ARTICLE II. SIDEWALK CONSTRUCTION AND REPAIR²

²Editor's note(s)—Ord. No. 639-08, §§ I, II, adopted July 15, 2008, amended art. II in its entirety to read as herein set out. Former art. II, §§ 86-31—86-36, pertained to similar subject matter and derived from Ord. No. 559-02, § III, adopted Feb. 18, 2003; and Ord. No. 597-04, § 1, adopted Dec. 21, 2004.

Commented [JL3]: Change to something where PC is not setting standards. "Performance specifications and construction standards shall mean those standards adopted by the Common Council and maintained on file by the Department of Public Works."

Commented [JL4R3]: Make consistent with 86-34

Sec. 86-31. Required construction and repair.

- (a) Except as otherwise provided in this article, all property owners abutting upon any street or highway in the city shall construct, repair and maintain sidewalks in the abutting right-of-way and shall pay the entire cost thereof.
- (b) Sidewalk shall be constructed in platted subdivisions pursuant to section [90-76-Regarding subdivisions](#)
- (c) The council may by resolution determine where sidewalks [\(new or existing\)](#) shall be constructed and order their construction in compliance with Wis. Stats. § 66.0907(3).
- (d) The council by resolution or the [director of public works the City Administrator's designee](#) may order any sidewalk which is [unsafe, defective or insufficient](#) to be repaired or removed and replaced with a sidewalk in compliance with Wis. Stats. § 66.0907(3). [Standards for determination shall be:](#)

- [Subjective, what are the criteria for consistency?](#)
- [Vertical displacement of 1 inch or greater.](#)
- [Cracking creating trip hazards.](#)
- [Significant spalling or deterioration.](#)
- [Settlement causing ponding or drainage concerns.](#)
- [Failure to meet accessibility requirements associated with reconstruction activities. Or Any condition determined by the City Administrator's designee to constitute a threat to public safety.](#)

[\(e \) Surface patching shall not constitute permanent sidewalk repair unless specifically approved by the Department of Public Works.](#)

[\(f\) Sidewalk construction and repair shall comply with applicable federal and state accessibility standards.](#)

[\(g\) Sidewalk improvements shall be warranted against defects in workmanship and materials for a period of one year from acceptance by the City.](#)

(Ord. No. 639-08, § II, 7-15-08)

Sec. 86-32. Exceptions.

- (a) The council may by resolution exempt a property owner from compliance with section 86-31.
- (b) The council may by resolution authorize the city to contribute to the cost of constructing or repairing any required sidewalk.

(Ord. No. 639-08, § II, 7-15-08)

Commented [JL5]: (e) Surface patching shall not constitute permanent sidewalk repair unless specifically approved by the Department of Public Works.

Commented [JL6R5]: (f) Sidewalk construction and repair shall comply with applicable federal and state accessibility standards.

Commented [JL7R5]: (g) Sidewalk improvements shall be warranted against defects in workmanship and materials for a period of one year from acceptance by the City.

Commented [JL8]: This doesn't exist, maybe 90-287?

Commented [JL9]: New or existing

Commented [JL10]: Subjective, what are the criteria for consistency?
Vertical displacement of 1 inch or greater.
Cracking creating trip hazards.
Significant spalling or deterioration.
Settlement causing ponding or drainage concerns.
Failure to meet accessibility requirements associated with reconstruction activities. Or Any condition determined by the City Administrator's designee to constitute a threat to public safety.

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Sec. 86-33. Permit required.

All sidewalk construction and repair shall be subject to inspection by the Department of Public Works prior to acceptance. No person shall construct or repair any sidewalk within the City of Columbus unless the person has obtained a permit from the ~~director~~ Department of public works or City Administrator's ~~his~~ designee. The ~~Director~~ City shall be provided the name, address and telephone number of the abutting owner, the location of the construction or repair and the identity and phone number of the contractor. The City Administrator ~~director~~ or his designee shall provide the contractor with city sidewalk specifications. The fee for obtaining a permit pursuant to this section shall be established by resolution or ordinance of the city council.

(Ord. No. 639-08, § II, 7-15-08; Ord. No. 730-16, § 1, 7-5-16)

Commented [JL11]: All sidewalk construction and repair shall be subject to inspection by the Department of Public Works prior to acceptance.

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Sec. 86-34. Specifications.

~~Sidewalks shall be constructed and repaired in accordance with the specifications for standard sidewalks adopted by the common council and on file with the director of public works.~~

Sidewalk construction and repair shall comply with the City's Standard Specifications and Details adopted by resolution of the Common Council and maintained by the Department of Public Works. Such standards may be revised from time to time without amendment of this chapter.

All sidewalk construction and repair shall be inspected by the Department of Public Works or designee prior to acceptance.

(Ord. No. 639-08, § II, 7-15-08)

Commented [JL12]: Sidewalk construction and repair shall comply with the City's Standard Specifications and Details adopted by resolution of the Common Council and maintained by the Department of Public Works. Such standards may be revised from time to time without amendment of this chapter.

Commented [JL13]: All sidewalk construction and repair shall be inspected by the Department of Public Works or designee prior to acceptance.

Sec. 86-35. Consent to defer sidewalk construction.

An owner may request in writing and be granted delay of sidewalk construction required by article II, on condition the owner deposits with the city clerk an amount equal to the estimated cost of construction as determined by the director of public works. If the sidewalk is not completed by the next July 1, the city may construct the sidewalk and apply the deposit to the cost thereof. If the cost is less than the deposit, the city shall remit the difference to the owner. If the cost is greater than the deposit, the city may collect the balance as a special charge pursuant to Wis. Stats. § 66.0627.

(Ord. No. 639-08, § II, 7-15-08)

Sec. 86-36. Unlawful sidewalks.

No sidewalks shall be constructed or repaired contrary to the provisions of this article and any violation thereof may be prosecuted as a municipal ordinance violation.

(Ord. No. 639-08, § II, 7-15-08)

Secs. 86-37—86-60. Reserved.

ARTICLE III. STREET AND SIDEWALK GRADES

Sec. 86-61. Unauthorized alteration of public improvements.

No person shall alter, excavate, remove, disturb, or modify the grade of any public street, alley, sidewalk, terrace, drainage facility, or public ground without approval from the Director of Public Works or their designee.

Sec. 86-61. Establishment.

The grades of all streets, alleys and sidewalks shall be established and described by the council and shall be recorded by the city clerk in his office.

(Code 1978, § 8.01(17))

Sec. 86-62. Required.

No street, alley or sidewalk shall be worked until the grade is established.

(Code 1978, § 8.01(2))

Sec. 86-63. Altering prohibited.

No person shall alter the grade of any street, alley, sidewalk or public ground or any part thereof unless authorized or instructed to do so by the council.

(Code 1978, § 8.01(3))

Secs. 86-64—86-95. Reserved.

ARTICLE IV. OBSTRUCTIONS AND ENCROACHMENTS

DIVISION 1. GENERALLY

Sec. 86-96. 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 or she is the owner or occupant, except as provided in section 86-97.

(Code 1978, § 8.04(1); Ord. No. 629-07, § I, 1-15-08)

Commented [JL14]: 86-61-63 don't seem to have a real purpose. Any plans for new roadways will be done through chapter 90. We don't keep a grade book and anytime we are building a street the new grade will be established in plans and approved when reviewed.

Commented [JL15]: Sec. 86-61. Unauthorized alteration of public improvements.
No person shall alter, excavate, remove, disturb, or modify the grade of any public street, alley, sidewalk, terrace, drainage facility, or public ground without approval from the Director of Public Works or their designee.

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Sec. 86-97. Exceptions.

- (1) Signs or clocks attached to buildings which project no more than six feet from the face of such building unless two feet or less from the curb and which do not extend below any point ten feet above the sidewalk, street or alley;
- (2) Awnings now built and extending over any sidewalk at a height of greater than seven feet six inches above the sidewalk, street or alley;
- (3) Public utility encroachments duly authorized by state law or by the common council;
- (4) Goods, wares, merchandise or fixtures being loaded or unloaded which do not obstruct the width of a sidewalk by more than five ~~three~~ feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than three hours;
- (5) In the Downtown Mixed Use Zoning District, goods, wares, merchandise benches chairs, planters, hanging flower pots and other similar items determined by the Zoning Administrator may remain for an unlimited amount of time provided the items do not obstruct the width of the sidewalk by more than 3.5 feet and provide at least five feet of unobstructed sidewalk. The items must be place in front of the property of the owner or occupant.
- (5) ~~6~~ Building materials for the period authorized by the building inspector which shall not obstruct more than one-half of the sidewalk or more than one-third of the traveled portion of the street, and which do not interfere with flow in the gutters;
- (6) Planters, benches, hanging flower pots, banners and other fixtures for which a permit has been issued pursuant to section 86-98. Outdoor dining/seating.

(Code 1978, § 8.04(2); Ord. No. 629-07, § II, 1-15-08)

Sec. 86-98. Issuance of permit.

- (a) ~~Director of public~~ Zoning Administrator works is authorized to issue a permit which allows property owners or occupants to place certain fixtures on sidewalks which immediately adjoins their property. The following requirements must be met:
 - (1) The property must be located A, B-1, B-2, B-3, or IS zoning district. The property must be located in a commercial or industrial zoning district except for the downtown zoning district.
 - (2) The fixture(s) shall not be physically attached to the sidewalk, any street fixture or any adjacent building;
 - (3) 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 to less than five feet at any point;
 - (4) The property owner or occupant shall provide the city with proof of liability insurance coverage. The insurance coverage shall be in the amount of not less than \$100,000.00 per occurrence and the policy shall specifically state that it includes coverage for the fixtures located on the city sidewalks. In addition, the city shall be identified as a third party insured;
 - (5) The fixture(s) shall not be for sale nor shall the fixture(s) be used for the sale of merchandise;
 - (6) The property owner whose property adjoins the city sidewalk shall file the permit application or authorize the occupant of the subject property to file the permit application;

Commented [JL16]: Does outdoor dining / seating need to be in this section, just thinking about those properties downtown (including city hall)

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Commented [MK17]: Should this be five feet?

Commented [JL18R17]: Agreed should be 5'

Commented [MK19]: Do we want to go the unpermitted route with this language?

Commented [MK20]: The intent here is to allow these items WITHOUT a permit.

Commented [JL21]: Update numbering if you are adding another "5"

Commented [MK22]: This permit may not be needed. Thoughts?

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Commented [MK23]: I don't know what a IS zoning district is. Also we don't have a B1 DISTRICT . Missing in this line is the central business district (downtown). Hence downtown busiensses cannot put items on the sidewalk.

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(7) ~~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.~~

(b) Upon reviewing the permit application if it is determined by the ~~director of public works~~ Zoning Administrator that all of the above requirements have been met ~~the director shall issue the permit, then the permit shall be issued.~~ Such permit may be revoked ~~by the director of public works~~ at any time when one or more of the above requirements are not complied with or if the director determines that the placement of the fixture(s) endanger the safety of the pedestrians who utilize the sidewalks.

(Ord. No. 629-07, § III, 1-15-08)

Sec. 86-99. Obstructing streets and sidewalks prohibited.

No person shall stand, sit, ~~loaf~~ or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the city in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place.

The City may require immediate removal of any item obstructing public travel, maintenance operations, emergency access, ADA accessibility, or public safety.

(Code 1978, § 9.05)

Note(s)—Formerly § 86-98

Secs. 86-100—~~86-120. Reserved.~~ ENFORCEMENT

The City Administrator, Director of Public Works, Zoning Administrator, and Police Department may administer and enforce this Article.

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Commented [JL24]: The City may require immediate removal of any item obstructing public travel, maintenance operations, emergency access, ADA accessibility, or public safety.

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Commented [JL25]: Is that a technical term?

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Commented [JL26]: Add some type of enforcement: The City Administrator, Director of Public Works, Zoning Administrator, and Police Department may administer and enforce this Article.

DIVISION 2. LOITERING

Sec. 86-121. Loitering or prowling prohibited generally.

No person shall loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances that may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm that would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

(Code 1978, § 9.07(1))

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(Supp. No. 27)

Sec. 86-122. Loitering after being requested to move.

- (a) *In groups or crowds.* No person shall loaf or loiter in a group or crowd upon the public streets or sidewalks or in adjacent doorways or entrances, on street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority at such places, where, as to public property, such loitering obstructs use of the public passageway.
- (b) *In places of public assembly or use.* No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by any police officer, where, as to public property, such loitering obstructs use of the public passageway. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or the area.
- (c) *Obstructing highways.* No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.

(Code 1978, § 9.07(3))

Sec. 86-123. Residential premises trespass.

No person shall go upon the residential premises of another without invitation, express or implied, during hours of darkness under circumstances that warrant alarm for the safety of person or property in the vicinity.

(Code 1978, § 9.07(4))

Sec. 86-124. Reserved.

Editor's note(s)—Ord. No. 593-04, § 1, adopted July 20, 2004, repealed § 86-124 in its entirety. Formerly, said section pertained to loitering by minors prohibited as enacted by Code 1978, § 9.07(5).

Secs. 86-125—86-155. Reserved.**ARTICLE V. EXCAVATIONS³ AND RIGHT OF WAY WORK**

Commented [JL27]: Excavation and Right-of-Way Work

Sec. 86-156. Permit.

No person shall excavate in any street, alley or public ground without a permit from the director of public works. ["Public Ground": Public property owned by the City including parks, terraces, rights-of-way, easements, and public facilities.](#)

Commented [JL28]: Add to definition "Public Ground": Public property owned by the City including parks, terraces, rights-of-way, easements, and public facilities.

(Code 1978, § 8.03(1); Ord. No. 779-22, § 2, 12-20-22)

³Cross reference(s)—Zoning regulation of excavations, § 114-312.

Sec. 86-157. Bond.

Before a permit may be issued for excavating in any public street, way or alley, the person applying for such permit shall execute to the city and deposit with the city clerk a corporate surety, escrow, bond approved by the city in the sum of \$5,000.00, conditioned that he will perform faithfully all work with due care and skill and in accordance with the laws, rules, specifications, and conditions on the permit, and regulations applicable thereto.

The bond, escrow, or surety shall state that the person will indemnify and save harmless the city and the owner of the premises against all damages, costs, expenses, outlays and claims arising out of unskillfulness or negligence on his part in connection with such excavating. ThisSuch bond shall remain in force and shall be executed for one year; except on such expiration, it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. The Director of Public Works may require security unless otherwise prohibited by state or federal law.

The Director of Public Works may require security unless otherwise prohibited by state or federal law.

(Code 1978, § 8.03(2))

Sec. 86-158. Protection of the public.

No permit shall be issued if the method of construction or the location of the work to be performed will impair the public safety and convenience. The permit holder shall erect such barriers, warning lights and signs as will adequately inform the traveling public of the nature and location of the work being performed.

(Code 1978, § 8.03(3))

Sec. 86-159. Repair of street openings.

The person to whom a permit is issued under this article shall complete the work involved as soon as possible and shall immediately repair all pavements, gutters and sidewalks in as good condition as before the opening and as may be directed by the director of public works.

No excavation permit shall be issued within a street reconstructed within the previous five years unless approved by the Director of Public Works.

Emergency work necessary to protect life, safety or utility service may proceed immediately provided notice is given to the City within one business day and a permit obtained thereafter.

The City may inspect work during construction and prior to final acceptance.

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Commented [MK29]: Do we want a bond or cash deposit? Sliding scale for projects not in the street but in terrace?

Commented [JL30R29]: I would recommend one to be consistent, considerations are a bond, escrow and surety approved by the city. One issue we have had is for WE energies stating they are not required to have a bond, what can we add to require them to have some. The WE issues is different, but wanted to have it documented. Maybe add The Director of Public Works may require security unless otherwise prohibited by state or federal law.

Commented [JL31]: The City may require a bond, letter of credit, cash deposit, or other financial security in an amount determined by the Director of Public Works.

I would make "determined based on scope of work on for each permit"

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Commented [JL32]: City specifications and conditions on approved permit

Commented [JL33]: hold

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Commented [JL34]: No excavation permit shall be issued within a street reconstructed within the previous five years unless approved by the Director of Public Works. or unless an emergency exists.

Commented [JL35R34]: Emergency work necessary to protect life, safety or utility service may proceed immediately provided notice is given to the City within one business day and a permit obtained thereafter.

Commented [JL36R34]: The City may inspect work during construction and prior to final acceptance.

Commented [JL37R34]: Restoration shall comply with City Standard Specifications and any conditions established in the permit.

Restoration shall comply with City Standard Specifications and any conditions established in the permit.

(Code 1978, § 8.03(4); Ord. No. 779-22, § 2, 12-20-22)

Secs. 86-160—86-190. Reserved.

ARTICLE VI. DRIVEWAYS

Sec. 86-191. Requirements for driveways.

(a) ~~Minimum requirements for all driveways:~~

- ~~(1) No driveway shall be located closer than 20 feet from a right-of-way line of an intersection of two streets.~~
- ~~(2) The angle of intersection between the driveway and the street pavement shall be between 75 and 90 degrees.~~
- ~~(3) Except for permitted joint driveways, the outside edge of the driveway must be at least three feet from the side property line.~~
- ~~(4) Property line clearance: Driveway approaches shall be located so that the required curb return lies entirely within the property lines extended of the zoning lot served by the driveway approach unless the driveway is being shared with the adjacent zoning lot.~~
- ~~(5) New driveways shall be constructed of one of the following: Concrete, asphalt, brick or other surface approved by the director of public works. Driveway approaches, between the edge of the pavement and the right-of-way line, shall be constructed of concrete pavement.~~
- ~~(6) Driveways constructed in areas with curb and gutter shall include a flared section between the curb and gutter and the street side of existing or future sidewalks. The flared section shall be flared 0.5 times the distance between the back of the curb and nearest edge of an existing or future sidewalk, but no greater than 2.5 feet, for a total combined apron flare of five feet. The curb head shall be saw cut or the curb and gutter shall be neatly removed at the driveway opening location and replaced with concrete gutter and driveway approach head.~~
- ~~(7) All driveways shall be designed to accommodate future or existing sidewalks. All paved driveway entrances and aprons shall provide for concrete sidewalks in accordance with city standards.~~
- ~~(8) The construction of driveways shall not impede the drainage of the street or off-street areas. In areas with existing curb and gutter, the driveway shall not extend further into the street than the face of the gutter. In areas without curb and gutter, or in areas with ditch sections for the drainage of the~~

Commented [JL38]: Add a warranty period of one year for any work associated with permit to address any defect or workmanship issues determined by DPW.

Commented [JL39R38]: Permit expiration will vary depending on issued permit and will expire on that date unless specifically extended.

Commented [MK40]: To be moved to Chapter 114 zoning performance standards

roadway, a culvert of the size or capacity required by the public works director shall be installed at the time of driveway construction at the property owner's expense.

(9) Any person, firm or corporation constructing a driveway is responsible for repairing any damage to adjacent property such as sidewalk, bike path, street and/or curb and gutter.

(10) No person shall install, alter, change, replace or extend any driveway without first obtaining a permit from the building inspector.

~~(b) Additional requirements for residential driveways.~~

(1) There shall be no more than one driveway per lot or two driveways per multi-family residential lot per street frontage. One additional drive may be permitted per street frontage when that frontage exceeds 200 feet.

(2) A driveway shall not exceed 24 feet in width except if the building has a three-car garage. If a building has a three-car garage, the driveway width may be increased an additional 12 feet for a total width not to exceed 36 feet.

(3) There shall be no residential driveway access to any collector or arterial street unless such street provides the only available access.

(4) Joint driveways are not permitted on lots that were platted after January 1, 2004. Joint driveways constructed prior to January 1, 2004 may be repair and replaced.

~~(c) Additional requirements for commercial and industrial driveways.~~

(1) There shall be no more than two driveways per commercial or industrial lot per street frontage. Driveways on each street frontage shall meet the requirements for each street frontage separately. Driveways may be prohibited or restricted in size, number, or direction of traffic flow, if in the opinion of the public works director, the proposed access will present a hazard to the safety and general welfare of the public. Driveways on one street frontage may be prohibited, only if alternate access can be provided on another frontage.

(2) Driveways for commercial or industrial lots shall be not wider than 32 feet, measured at the property line.

(3) Driveways for commercial or industrial lots shall be paved with asphalt or concrete pavements.

(4) Streets, sidewalks, alleys, and/or public rights-of-way shall not be used for internal traffic circulation or maneuvers into and from off-street parking spaces. Driveways shall be located to promote good internal traffic circulation with minimal disruption of on-street traffic.

~~(d) Exceptions to requirements.~~

(1) The common council may waive the requirements for residential drives where, in its opinion, the waiving of the requirements will not have detrimental effect on the safety of the general public.

(2) The common council may waive the requirements for commercial and industrial driveways if the applicant submits an engineered alternative plan that will effectively permit ingress and egress with a minimum of hazard or congestion to pedestrian and vehicle traffic both on and off the street.

~~(Code 1978, § 8.10(1); Ord. No. 596-04, §§ 1, 2, 8-17-04; Ord. No. 750-19, § 1, 9-9-19)~~

Sec. 86-192. Reserved.

Editor's note(s)—Ord. No. 596-04, § 1, adopted Aug. 17, 2004, repealed § 86-192 in its entirety. Formerly, said section pertained to islands between openings as enacted by Code 1978, § 8.10(2).

Sec. 86-193. Permit required.

No person shall install, alter, change, replace or extend across or through any sidewalk or curbing of any driveway without having first obtained a permit from the director of public works or City Administrator's designee.
(Code 1978, § 8.10(3); Ord. No. 745-19, § 7, 3-5-19)

Secs. 86-194—86-225. Reserved.

ARTICLE VII. SNOW AND ICE REMOVAL

Sec. 86-226. Sidewalks to be kept clear.

- (a) *Time limitations.* The owner, occupant or person in charge of each residence, building or lot in the city abutting any street right-of-way containing a sidewalk, shall clear the sidewalk of snow and ice to the width of the sidewalk, including all ADA compliant ramps that lead from the end of the sidewalk to the paved street within 24 hours after cessation of a snowfall and shall thereafter cause the sidewalk to be kept clear of snow and ice.
- (b) *Notice.* In the event that the public works director or designee observes a sidewalk whose owner, occupant or person in charge has failed to clear the sidewalk of snow and ice within 24 hours after end of snow fall or in the event that the public works director or designee receives a complaint about a sidewalk whose owner, occupant or person in charge has failed to clear the sidewalk of snow and ice within 24 hours after end of snow fall, the public works director or designee shall give written notice to the owner, occupant or person in charge of the property that the ordinance has been violated and that the owner, occupant or person in charge shall clear the sidewalk of snow and ice within 24 hours of date and time of notice. The notice shall also state that in the event the sidewalk is not cleared within the required time period, the public works director or designee shall cause the snow and ice to be removed and the cost thereof, including administrative costs, shall be billed to the property owner as a special charge under Wis. Stats. § 66.0627. Failure to remove snow and ice from a sidewalk pursuant to this ordinance is deemed to be a risk to public safety authorizing abatement as set forth herein. The cost of snow and ice removal, along with administrative costs shall be established by resolution of the common council and amended from time to time.
- (c) *Other remedies.* In addition to remedies set forth in subsection 86-226(b) the city may issue and serve on the owner, occupant, or person in charge of any property who is in violation of the ordinance a municipal citation.

(Code 1978, § 8.06(1); Ord. No. 559-02, § IV, 2-18-03; Ord. No. 568-03, § I, 4-14-03; Ord. No. 641-09, §§ I—V, 1-2-09; Ord. No. 751-19, § 1, 11-19-19; Ord. No. 758-21, § 1, 9-21-21)

Sec. 86-227. Deposit in streets restricted.

No person shall cause snow from his premises to be deposited onto the sidewalk abutting thereon or onto any street in the city.

(Ord. No. 758-21, § 2, 9-21-21)

Ord. No. 758-21, § 2, adopted Sep. 21, 2021, repealed the former § 86-227 and enacted a new section as set out herein. The former § 86-227 pertained to similar subject matter and derived from Code 1978, § 8.06(2).

Sec. 86-228. Deposit on another's property prohibited.

No person shall cause snow to be plowed or otherwise deposited onto the property of another. In the event of violation of this section, both the operator of the snowplow or other snow removal equipment and the owner of the property from which the snow was removed shall be deemed in violation of this article and liable to the city for the cost of removing such unauthorized deposit of snow as well as being subject to the penalties provided in section 1-14 of the municipal code.

(Ord. No. 758-21, § 3, 9-21-21)

Ord. No. 758-21, § 3, adopted Sep. 21, 2021, repealed the former § 86-228 and enacted a new section as set out herein. The former § 86-228 pertained to similar subject matter and derived from Code 1978, § 8.06(3).

Secs. 86-229—86-240. Reserved.

ARTICLE VIII. STREET LIGHT COMMITTEE⁴

Sec. 86-241. How constituted.

The city street light committee shall consist of the director of public works, who shall be its presiding officer, the director of the water and light department or designee, the chief of police or designee, and one council member. The council member shall be appointed by the mayor in May, subject to confirmation by the common council.

(Ord. No. 583-04, § 1(1), 3-16-04; Ord. No. 779-22, § 2, 12-20-22)

Sec. 86-242. Powers and duties.

The powers and duties of the city street light committee shall be to recommend to the city council the installation or removal of street lights within the City of Columbus. The committee shall adopt guidelines which will provide for the uniform accommodation of fixed source lighting within the public right of way within the City of Columbus.

(Ord. No. 583-04, § 1(2), 3-16-04)

⁴Editor's note(s) — Ord. No. 583-04, § 1, adopted March 16, 2004, was not specifically amendatory of the Code and has been included as art. VIII, §§ 86-241 and 86-242 at the editor's discretion.