

**§ 457-7. Obstructions and encroachments. [Amended by Ord. No. 90-58]**

A. Obstructions and encroachments.

- (1) Obstructions and encroachments prohibited. No persons 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 encroachments or encumbrances to be placed or remain in any public way adjoining the premises of which he is the owner or occupant, except as provided in Subsection B.
- (2) Vending machine placement is prohibited on all streets, alleys and sidewalks, except as set forth in Subsection B, Exceptions.

B. Exceptions. Subsection A shall not apply to the following:

- (1) Any items permanently attached to a building structure in accordance with Chapter 550, Article XII, Signs and Projections.
- (2) Vending machine placement shall specifically be allowed in public parks and on City-owned property upon the approval of the City of Watertown Park, Recreation and Forestry Commission and said vending machine accruing to the benefit of the City of Watertown.
- (3) Public utility encroachments duly authorized by state law or the Watertown Common Council.
- (4) Loading or unload of goods, wares or merchandise, which does not extend more than three feet onto the sidewalk, and provided such goods, wares, etc., do not remain thereon for a period of more than two hours.
- (5) Street furniture and landscape elements with a maximum area of nine square feet per building, which must be placed against an exterior wall and may be installed pursuant to this exception only if a minimum of 12 feet of sidewalk width exists, measured from the building front to the back of the curb, or specifically if the furniture and/or landscape element is part of an approved City streetscape plan.
- (6) Newspaper vending machines, street furniture, and all other encroachments located within the Main Street Commercial Historic District may be permitted if said encroachment

meets the requirements of Subsection B(5) of this section; the proponent/owner of any such encroachment shall make a written application, pursuant to the procedures set forth below in Subsection D, prior to installation or placement of the proposed encroachment in the right-of-way; and the Watertown Historic Preservation Commission shall make a recommendation approving or rejecting placement of the proposed encroachment to the Watertown Common Council Public Safety and Welfare Committee. **[Amended by Ord. No. 91-1]**

- (7) Excavation and openings permitted under § 457-6 of this chapter. **[Amended 9-3-2019 by Ord. No. 19-17]**
- (8) Building materials permitted under Subsection C of this section.
- (9) Temporary encroachments or obstructions authorized by permit granted pursuant to § 66.0425, Wis. Stats. The cost of such permit obtained pursuant to this subsection shall be as set by the Common Council and provided under separate fee schedule and the permit shall be valid for 14 consecutive days following its issuance. **[Amended by Ord. No. 13-06; 10-4-2016 by Ord. No. 16-18]**
- (10) Other exceptions located outside of the Main Street Commercial Historic District shall be allowed, provided they are subject to the requirements of Subsection B(5) of this section and the proponent/owner of such an encroachment shall make written application, pursuant to the procedures set forth below in Subsection D, prior to installation or placement of the proposed encroachment in the right-of-way. **[Amended by Ord. No. 91-2]**
- (11) Booths, benches, tables or other structures erected or maintained for the display of goods, wares, merchandise or foodstuffs, and approved under § 457-12 shall not be considered obstructions or encroachments. **[Added by Ord. No. 93-23]**
- (12) Mailboxes and newspaper receptacles constructed as required by the standards set forth in § 457-8 of this chapter. **[Added by Ord. No. 95-43]**
- (13) Utilities permitted under Chapter 457, Article II, Utility Accommodations. **[Added 9-3-2019 by Ord. No. 19-17]**

C. Building materials.

- (1) The Director of Public Works may grant permission to any person for a period not to exceed three months to use not to exceed 1/3 in width of any or all streets adjacent to any proposed building or other improvement to be built or made for the purpose of temporarily depositing thereon building material, excavated material and other articles necessary to be used in and about the construction of such building or other improvement.
- (2) Every person to whom a permit is granted hereunder shall provide a sufficient barricade and during the nighttime sufficient warning lights around or on such building materials, excavating material or other articles so as to effectually prevent the happening of accidents to persons or property, and every such person shall be liable for all accidents and damage caused by his failure to properly provide and maintain such barriers and warning lights.

D. Application for variance. Application to request a variance granting the proposed use or encroachment of the public way may be taken by any person by filing a written application with the Watertown Common Council Public Safety and Welfare Committee, which shall fix a reasonable time for the hearing of the application, give a minimum of 72 hours' notice to the applicant by regular mail, and decide the same within a reasonable time by approving or rejecting the request. Each application shall be accompanied by a fee as set by the Common Council and provided under separate fee schedule. At the hearing, any party may appear in person or by agent or attorney. The Committee shall decide all applications within 30 days after the hearing thereon. Any person or persons jointly or severally aggrieved by any decision of the Public Safety and Welfare Committee may present to a court of record a petition for certiorari within 30 days after the decision of the Public Safety and Welfare Committee with respect to the application. **[Added by Ord. No. 91-3<sup>1</sup>]**

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).