

Town of Bell
Bayfield County, Wisconsin

Superior Avenue Public Sidewalk Ordinance

Ordinance#_____

SECTION 1 - TITLE AND PURPOSE

The title of this ordinance is the Town of Bell Superior Avenue Sidewalk Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of sidewalks and associated structures, including but not limited to: railings, overhanging awnings, or porticos along Superior Avenue to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any sidewalk will protect properly the public health, safety, and general welfare of persons in the Town of Bell as well as create an appearance of a planned and organized system.

This ordinance provides for the issuance of a permit for the construction of a new sidewalk or to any existing sidewalk that is being modified or repaired along Superior Avenue. Such sidewalk(s) shall be designed, installed, and maintained at the cost of the adjacent property owner.

This ordinance shall cover Superior Avenue from the intersection of State Highway 13 and Superior Avenue to the southern boundary of the gas station.

SECTION 2 - AUTHORITY

The Town Board has the specific authority under Wi. Stat. 66.0907 (3a), to adopt a Town Sidewalk Permit on Superior Avenue, and has the general authority under its village powers under Wi. Stat. 60.22, to adopt this ordinance.

Superior Avenue has an 80' right of way that is owned by the Town per the plat dated 1902.

66.0907 (3)(a) The Town Board may by ordinance or resolution determine where sidewalks shall be constructed and establish the width, determine the material and prescribe the method of construction of standard sidewalks. The standard may be different for different streets. The Town Board may order by ordinance or resolution sidewalks to be laid as provided in this subsection.

66.0907(3)(b) The Town Board may order any sidewalk which is unsafe, defective, or insufficient to be repaired or removed and replaced with a sidewalk in accordance with the standard fixed by the Town Board.

66.0907(3)(c) Notice. A copy of the ordinance, resolution, or order directing the laying, removal, replacement, or repair of sidewalks shall be served upon the owner, or an agent, of each lot or parcel of land in front of which the work is ordered.

SECTION 3 - DEFINITIONS

- A. "Person" shall mean and refer to an individual person as well as a partnership, corporation, limited liability company, as well as any other entity.
- B. "Town" means Town of Bell, Bayfield County Wisconsin

SECTION 4 - STANDARDS

- A. Maximum width of sidewalk including curb and associated structures shall be 9'
- B. Minimum 60" walking path shall be kept clear at all times. In cases where site conditions make this impractical, the minimum width may be reduced to 48". Such exceptions shall be approved by the Town.
- C. Sidewalk and associated structures design shall be approved by the Town.
- D. Sidewalk Material shall be concrete or blacktop.
- E. Alternate sidewalk material may be approved by the Town Board. Such approval shall require design and specifications approved by a Professional Engineer.
- F. Sidewalks shall be constructed in accordance with the current Town specifications ~~and for~~ standards on file with the Town.
- G. Sidewalk design shall comply with the Americans With Disabilities Act and other recognized sidewalk design standards including its termination and/or connection with adjacent sidewalks and streets.
- H. Where a sidewalk connects to a commercial building, such sidewalk shall provide ADA compliant access from Superior Avenue to such commercial building.

SECTION 5 - EXISTING SIDEWALKS BUILDING ACCESS AND ASSOCIATED STRUCTURES

- A. In cases where Commercial Building Owners have Encroached on the Public Property as of the adoption of this ordinance, the Encroachment is **grandfathered**. Any modification, structural or otherwise shall follow the Permit Process of this Ordinance.

Commented [t1]: I want to take one more look at fronts of Businesses. Some moveable items

SECTION 6 – MAINTENANCE

- A. Adjacent landowners shall be responsible for snow and ice removal per Wi. Stat. 66.0907 (5)
- B. Exemptions may be made for seasonal business's with Board approval.

SECTION 7 – APPLICATION FOR PERMIT

A person who desires to construct a sidewalk on Superior Avenue shall first:

- A. File with the Town Clerk a properly completed and signed application for a sidewalk permit what is then the form approved by the Town Board and pay the Town Clerk the then current application fee. Blank application forms are available from the Town Clerk and on the Town website. Application will require final design specifications and drawings. Persons are encouraged to approach the Town Board and/or Planning Commission with preliminary plans/drawings before the formal permitting process at which time a Conditional Permit may be issued granting authority to proceed with design and engineering of a sidewalk. Purpose is to assure property owner that a permit will be issued when design requirements are met.
- B. A pre-inspection will be required to stake out the proposed sidewalk.
- C. The remitted application fee is intended to help defray the administrative expenses associated with the application, inspection, and approval process.

- D. After a properly signed and completed application for a sidewalk is filed with the Town Clerk with the required application fee, such application will be examined by the Town Clerk, the Town Board, or its designee.
- E. If the application is not complete or is not completed properly or is otherwise insufficient, it may be returned to the applicant to correct the deficiencies.
- F. If an application is determined to be properly completed and signed and the fee has been paid, the Town Board or its designee will inspect the site of the proposed sidewalk.
- G. After a site inspection has been made, the Town Board or its designee may, if it determines it is necessary, obtain additional information and perform additional inspections.
- H. The Town Board will consider the application at the next practical Town Board meeting. The Town Board may approve the application, deny the application, or approve the application upon such conditions as the Town Board deems appropriate under the circumstances. The applicant will be informed in writing of the Town Board's decision.
- I. If the application is approved by the Town Board, any sidewalk which is constructed shall be constructed and maintained in accordance with this ordinance.
- J. If the application is approved by the Town Board with conditions, any sidewalk shall be constructed and maintained in compliance with the conditions placed on the permit.
- K. If the Town Board issues the applicant a permit for the construction of a sidewalk, the applicant has twenty-four (24) months from date of issue within which to construct the same or the permit then lapses.
- L. The Town Board or its designee may:

1. Order a person to apply to the Town for a permit for a sidewalk if a sidewalk has been constructed or it appears one is being constructed without the required permit.
 2. Order a person to cease and desist in constructing a sidewalk on Superior Avenue if such sidewalk is not being constructed in accordance with the permit, a condition of the permit or this ordinance.
- M. When the Town Board or its designee enters an order authorized by this ordinance, the recipient of such order shall promptly comply with the same.
- N. If the applicant is aggrieved by the decision of the Town Board or its designee, the applicant may file a certiorari action in Bayfield County Circuit Court.

SECTION 8 – APPLICATION FORM

The Town Board will, from time to time, adopt an application form for persons to complete to apply for a sidewalk permit. The Town Board will, from time to time, set the amount of the application fee to be paid by each applicant.

SECTION 9 – SAVINGS CLAUSE

If any section, subsection, sentence, clause, or phrase of this Ordinance is held for any reason or be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Town of Bell hereby declares that it would have passed and adopted this ordinance and each section, subsection, sentence, clause or phrase hereof irrespective of the fact that any one or more sections,

subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 10 – EFFECTIVE DATE

Following the passage by the Town of Bell Town Board, this ordinance shall take effect thirty (30) days after the date of posting as provided by sec. 60.80, Wis. Stats.

Adopted by the Town Board of Supervisors for the Town of Bell on the _____ day of _____

By: _____

Roger Lindgren, Chairperson

Date Published: _____

Attest: _____

MaryBeth Tillmans, Clerk