

ORDINANCE #11-21

AN ORDINANCE AMENDING THE CODE
RELATING TO STREET PRIVILEGE PERMITS PRIMARILY FOR THE PURPOSE OF
EXTENDING THE TERM OF SUCH PERMITS

The Common Council of the City of Berlin do ordain as follows:

Sec. 18-401 of the Code of Ordinances of the City of Berlin shall be amended as follows:

Sec. 18-401. - Street privilege permit.

- (a) *When required.* Permits for obstruction or excavation beyond a private lot line and within a public street, alley, sidewalk or other public way or place of the city shall be granted ~~pursuant to Wis. Stats. § 66.0425, only for the following purposes as follows:~~

...

- (3) *Automobile sale terrace displays.* The display of automobiles, as defined in Wis. Stats. § 340.01(4), for sale in terrace areas adjacent to or fronting the applicant's duly licensed or authorized automobile sale facility or dealership located within the city's business improvement district created under Wis. Stats. § 66.1109, or if such business improvement district has been terminated, then the area contained within such business improvement district at the time of its termination, provided the applicant has complied with the requirements of this section. If the city's business improvement district is ever terminated, then permits hereunder shall be limited to applicants with duly authorized licensed or authorized automobile sale facilities or dealerships located within the area formerly designated as the city's business improvement district on the date of the district's termination. Applicants applying for a permit under this subsection shall be referred to as "automobile sale terrace display applicants." No permits may be granted hereunder for the display of automobiles during the winter parking restriction periods designated in section 70-458.

...

- (e) *Conditions of license.* In addition to any other conditions imposed by the common council, all permittees under this section shall fully comply with the following requirements:

...

(4) *Area of obstruction.* Temporary construction applicants shall not obstruct more than one-third of any street or alley within the city. Sidewalk café applicants may only encumber upon sidewalks or other public areas that have no effect on vehicular traffic areas or ways. Temporary construction applicants and sidewalk café applicants shall not interrupt sidewalk pedestrian traffic, and must allow a minimum width as required by the Americans with Disabilities Act or any Wisconsin disability related law or regulation ~~of four feet of remaining sidewalk~~ for uninterrupted pedestrian traffic. Temporary construction applicants, if necessary, may construct a temporary sidewalk of such width, but such temporary sidewalk must be guarded by a closed fence at least four feet high on both sides, which ~~must~~may be maintained during the period of obstruction.

...

(10) *Automobile sale terrace display applicants—General conditions.* Automobile sale terrace display applicants shall comply with the following conditions:

...

c. The display of automobiles must have no effect on vehicular traffic areas or ways, and shall not interrupt sidewalk pedestrian traffic. A minimum width as required by the Americans with Disabilities Act or any Wisconsin disability related law or regulation of remaining sidewalk for pedestrian traffic must be maintained.

...

(h) ~~Termination~~Term of permits. Except for temporary construction permits, Aall street privilege permits shall have a term commencing on the date specified in the permit and shall continue through the following June 30~~shall automatically terminate at the end of three months from the date of issuance of such permit~~, unless an earlier termination date is specified on the permit at the direction of the common council. The term for temporary construction permits shall commence on the date specified in the permit and shall continue for a period of 90 days, unless an earlier or later termination date is specified on the permit at the direction of the common council, but in any event shall not be longer than one year.

(j) The street privilege permits issued under this Section are pursuant to and compliant with Wis. Stats. §66.0425 except that obstructions or excavations for less than 90 days shall still require a permit under this Section.

This ordinance shall take effect the day after publication.

The term for all street privilege permits issued by the City pursuant to Sec. 18-401 of the Code of Ordinances after April 1, 2021, but prior to the effective date of this Ordinance, shall be automatically extended through June 30, 2022.

The numeric section numbers and headings of any portions of the Code of Ordinances affected by this Ordinance shall be subject to modification in the discretion of the codifier, and the approval of the City Attorney, during codification into the City's current Code of Ordinances.

Passed, approved and adopted this 13th day of July, 2021.

ROLL CALL VOTE:

6 AYES
0 NAYS
0 ABSENT

CITY OF BERLIN

BY: 
Joel E. Bruessel, Mayor

APPROVED AS TO FORM:


Matthew G. Chier, City Attorney

ATTEST: 
Jodie Olson, City Clerk

