

INSTRUCTION SHEET ADDITIONS TO MILWAUKEE CODE OF ORDINANCES VOLUME 1

SUMMARY

This supplement incorporates changes to Volume 1 of the Milwaukee Code of Ordinances enacted by the following Common Council files:

- 260554 A substitute ordinance relating to unauthorized closure of public rights of way for non-emergency construction.
- 260556 A substitute ordinance relating to the notification to be provided for the closure of public rights of way and increasing fines if constituents are not properly notified.
- 260684 An ordinance relating to no mow May.
- 260693 A substitute ordinance relating to time-limited food truck zones.

Remove old MEMO (Suppl. #461)

<u>Section Affected</u>	<u>Action</u>	<u>File Number</u>	<u>Effective Date</u>	<u>Remove Pages</u>	<u>Add Pages</u>
68-37-1-e-1-a	am	260693	10/10/2026	v-vi 157-158	v-vi 157-158
68-37-1-e-1-b	am	"	"	"	"
80-17-2.5-a	rc	260684	"	237-238	237-238
Ch. 115 Table				735-738	735-738b
115-4-6	am	260556	10/10/2026	"	"
115-4-6.5	cr	"	"	"	"
115-4-7	cr	260554	"	"	"
115-47.5	cr	260556	"	761-762	761-762

Abbreviations: am=amended ra=renumbered and amended rn=renumbered
 cr=created rc=recreated rp=repealed
 corr=correction

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Revised 9/22/2026
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MEMO

If all supplements have been properly inserted, this book contains all actions of the Common Council through September 22, 2026.

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c-4. A shared kitchen user sign-in log indicating the dates and times each shared kitchen user arrived and departed.

d. Notify the department if a shared kitchen user discontinues, terminates or otherwise withdraws from any contract or agreement, or if a shared kitchen user repeatedly fails to use the space during his or her scheduled time without contacting the primary license holder.

e. Provide access for inspection by the department to all locked equipment located in any storage area maintained in the shared kitchen.

f. Ensure that the number of shared kitchen users operating in the shared kitchen does not pose a health or safety risk, and remains within the total number of users and total number of simultaneous users for which the establishment is approved.

3. USER DUTIES. A shared kitchen user issued a secondary or subsequent license for a food establishment shall:

a. Conform to the requirements provided in s. 68-7.

b. Comply with all food safety requirements and regulations set forth in this chapter. Primary license holders and shared kitchen users shall be jointly and individually liable for any equipment or facility violations.

c. Ensure a certified food manager is on site at all times that potentially hazardous food is being prepared, tasted, handled, packaged, prepared for storage, served or otherwise used, and make available, upon request, a food manager certificate.

d. Have a copy of a city-issued license posted on site at all times when the shared kitchen user is using the shared kitchen.

e. Keep and maintain on file each of the following records:

e-1. A list identifying the dates and times the user uses the shared kitchen.

e-2. A copy of the written statement signed by the primary license holder of the shared kitchen stating that the shared kitchen user has been authorized to rent, lease or use the shared kitchen. The statement shall include the start date and end date, if any, to which the authorization applies.

4. USER RECORDS. The records required under sub. 3-e shall be maintained by the shared kitchen user for a period of at least 24 months after the date of entry of a record. Upon a request by any authorized city official, the shared kitchen user shall make these records immediately available for inspection by an authorized city official.

68-37. Food Peddlers.

1. SALES ON THE PUBLIC RIGHT-OF-WAY. a. Findings. The common council finds food peddler vehicles parked on the public right-of-way in areas where there is a high concentration of traffic and pedestrian density jeopardize the safety of pedestrians and drivers, and dangerously increase traffic congestion. The common council further finds limiting the locations and times these vehicles may park on the public right-of-way in specified areas contributes to public safety. The common council shall review annually the ordinances relating to food peddler vehicles. It is the intent of the common council to work in cooperation with the police department, health department, and department of public works to administer its food peddler vehicle program.

b. Definition. For purposes of this subsection, "limited operation food peddler vehicle zone" means a portion of a public right-of-way designated by the common council for parking of food peddler vehicles subject to specified limitations. A limited operation food peddler vehicle zone shall be recorded on a map that may be found in the common council proceedings. The official record shall be on file in the city clerk's office.

c. Locations Restrictions.

c-1. Public Right-of-way. All sales shall be made on the public right-of-way directly from a food peddler vehicle or a carried container unless one of the following exemptions is met:

c-1-a. A food peddler is selling food at the invitation of a business owner on private property provided all sales are made only to employees of the business and not to the general public.

c-1-b. A food peddler is issued an occupancy permit by the department of neighborhood services allowing food sales by the food peddler on a private property.

d. Time Restrictions. A food peddler shall not offer for sale or sell food between 3 a.m. and 6 a.m., Monday through Friday, or between 3:30 a.m. and 6 a.m. on Saturday and Sunday.

e. Limited Operation Food Peddler Vehicle Zone. The department of public works shall mark a limited operation food peddler vehicle zone by either posting a sign or painting the designated area.

e-1. Type 1, Time-Limited Food Peddler Vehicle Zone. Notwithstanding sub. d, a food peddler vehicle that is parked in a type 1 limited operation food peddler vehicle zone shall not:

e-1-a. Offer for sale or sell food between 1 a.m. and 6 a.m.

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e-1-b. Offer for sale or sell food between 1 a.m. and 6 a.m. within the Downtown time-limited food peddler vehicle zone.

e-1-c. Park in that zone for more than 6 hours within a 12-hour time period.

e-2. Type 2, Density-Limited Food Peddler Vehicle Zone. The maximum number of food peddler vehicles allowed on a block face in a type 2 limited operation food peddler vehicle zone shall be determined for that specific block based upon density and traffic safety, as determined by the common council in consultation with the department of public works and the police department.

e-2-a. Application. Application for a parking space in a type 2 limited operation food peddler vehicle zone shall be made with the licensing division using an application established for that purpose. In the first year this ordinance is in effect, applications shall be filed no later than July 1, 2023, and shall be filed no later than March 1 of each year thereafter. If granted a parking space, the licensing division shall notify the applicant of the assignment, and the applicant shall accept the parking space in writing within 10 calendar days of receiving notification of the assignment or shall forfeit the assignment. Only one parking space shall be assigned per food peddler vehicle. No food peddler vehicle may be assigned a space in more than one zone. Parking space assignments may not be transferred.

e-2-b. Parking Space Assignment Seniority. Parking space assignment shall be determined by seniority, calculated by counting the number of years a food peddler has operated in the zone for which the applicant is applying as reported on their itinerary. Spaces shall be assigned to applicants in order of seniority until all applicants have been assigned a parking space or until all parking spaces are assigned. If applicants remain after all parking spaces are assigned, a waiting list shall be created using the same seniority system.

e-2-c. Additional Points. One year of seniority shall be added for a vehicle that is all of the following: 12 feet or less in length, 11 feet or less in height, and 7 feet or less in width, including wheels and all extensions, counter space, foldouts, awnings, or other contrivances attached to the main body of the food peddler vehicle.

e-2-d. Tie. If more than one food peddler has the same number of years of seniority, this tie shall be broken using the following criteria, considered in order:

e-2-d-1. Whichever food peddler has been licensed by the City the longest.

e-2-d-2. Whichever food peddler's average food establishment grade is higher, as determined by the health department pursuant to s. 68-9-7.

e-2-d-3. Whichever applicant has received the fewest demerits for being disciplined by the city for offenses relating to the operation of food peddler vehicles. Each warning letter from the licenses committee shall count as one demerit. Each suspension of more than 10 days or revocation shall count as 5 demerits.

e-2-d-4. A game of chance administered by the license division.

e-2-e. Waiting List. Late applicants and food peddlers who forfeit their parking space as provided in subd. e-2-a shall be placed at the bottom of any waiting list. Any parking space that becomes available after parking space assignments have been made shall be offered to the highest-ranking food peddler on the waiting list.

e-3. Warning Letter. Notwithstanding the penalty provisions of ss. 68-45, 101-34-2-m or 115-45-4, or any licensing committee review under subd. 4, if the city clerk's office is presented with evidence of a violation of ss. 68-25, 68-31, 68-32, 68-37, 68-41, 68-43, 101-23-9.5, 101-23-9.6 or 115-45 by a food peddler or licensee, including photographic or video evidence, the food peddler or licensee shall receive a warning letter from the city clerk, sent to the address on file with the city clerk, advising the food peddler or licensee of the nature of the violation as well as the consequences under this section for additional violations.

e-4. Licensing Committee Review of Evidence from an Aggrieved Party. Notwithstanding the penalty provisions of ss. 68-45, 101-34-2-m or 115-45-4, or any warning letter received under subd. 3, if an aggrieved party files a written complaint with the city clerk seeking the revocation of an assigned parking space and presents evidence, including photographic or video evidence, of a violation of the provisions of ss. 68-25, 68-31, 68-32, 68-37, 68-41, 68-43, 101-23-9.5, 101-23-9.6 or 115-45 by a food peddler or licensee, the licensing committee shall review the evidence in open session and, in accordance with the provisions of ss. 85-4 and 85-5, may suspend or revoke access to the food peddler or licensee's assigned parking space within a limited operation food peddler vehicle zone.

e-5. Suspension and Revocation for Convictions. Notwithstanding the penalty provisions of ss. 68-45, 101-34-2-m or 115-45-4, any warning letter received under subd. 3, or any licensing committee review under subd. 4, the city clerk shall have the authority to suspend or revoke access to the assigned parking space within a limited operation food peddler vehicle zone of any

80-15. Spitting in Public Places. No person shall spit, expectorate or deposit any sputum, spittle, saliva, phlegm, mucus, tobacco juice or wads of tobacco upon the floor or stairways or of any part of any theater, public hall or building, or upon the floor or any part of any public conveyance in the city, or upon any sidewalk abutting on any public street, alley or lane of said city.

80-17. Turf Grass and Weeds. 1. DEFINITION. In this section, "Turf grass" means annual bluegrass, annual ryegrass, bahiagrass, bermudagrass, buffalograss, carpetgrass, centipedegrass, colonial bentgrass, creeping bentgrass, fine fescue, hybrid bermudagrass, kentucky bluegrass, kikuyugrass, orchardgrass, perennial ryegrass, quackgrass, rough bluegrass, seashore paspalum, St. Augustinegrass, tall fescue and zoysiagrass.

2. TO BE CUT. a. No turf grass or weeds of any kind shall be permitted to grow or stand more than 7 inches on any property in the city.

b. The city shall enforce par. a year-round.

2.5. EXCEPTIONS. a. "No mow May." The provisions of sub. 2 shall not apply during the month of May for any property owner participating in "no mow May." A participating property owner shall provide signage identifying the property as a "no mow May" participant. Signage shall be displayed in a manner and location so as to be easily visible from the public sidewalk or roadway abutting the property.

b. Native Plantings. The provisions of sub. 2 shall not apply to native plant landscaping, provided:

b-1. The plants used in the landscaping are native to, or cultivars of plants that are native to, the midwestern United States.

b-2. The landscaping is done intentionally as part of a deliberate design.

b-3. The landscaping is free of invasive or noxious weeds in accordance with s. NR 40.05, Wis. Adm. Code.

b-4. The landscaping does not encroach on or obstruct the visibility of any sidewalk or other public right-of-way.

b-5. The property owner completes an annual registration identifying the landscaping as an exempt native planting.

3. BY OWNER OR OCCUPANT. It shall be the duty of the owner and the tenant, or occupant of any leased or occupied premises, and the duty of the owner of any vacant or unoccupied premises within the city to comply with this section both as to the premises owned or occupied and as to public sidewalks on which such premises abut.

4. BY FRANCHISE HOLDER. It shall be the duty of every holder or owner of a public franchise to comply with this section as to portion of highways in the city which such holder or owner is required to keep in repair.

5. BY AGENT OR EMPLOYEE. It shall be the duty of every agent or employee in charge of any premises in the city to comply with the provisions of this section as to premises in his charge.

6. CHARGES AND COSTS. a. Any person who fails to cut turf grasses or weeds as required in sub. 2 shall be subject to a special charge of \$75 for a first violation in a calendar year, if the violation is not abated within 72 hours of initial inspection and photographic verification by the department.

b. The amount of the special charge for any second and each subsequent violation in the same calendar year shall increase by \$125 from the amount of the special charge imposed for the previous violation, not to exceed \$750 for 6 or more violations in the same calendar year, and shall be assessed upon initial inspection and photographic verification by the department.

c. There shall be an additional special charge of \$100 for failure to mow or otherwise abate any condition that remains in violation of this section. Upon a subsequent failure to comply with this section in the same calendar year, the person shall be subject to a special charge of \$150.

d. Any costs incurred by the city in abatement or remediation shall constitute additional special charges.

e. Special charges made under this subsection shall be due and payable 30 days after billing or, if not paid within that time, become a lien on the subject property as provided in s. 66.0627, Wis. Stats. The lien shall take effect as of the date of delinquency and shall include an administrative charge of \$25. The lien shall automatically be extended upon the current or next tax roll as a delinquent tax against the property, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to such charge.

80-19 Nuisances

80-19. Nuisance Light on Residential Properties.

1. DEFINITIONS. In this section:

a. "Glare" means an excessive brightness contrast producing a sensation of visual discomfort resulting from viewing a strong, intense light source.

b. "Intermittent light" means any artificial light which flashes, revolves or fluctuates in such a manner that the variance is easily distinguished by personal observation.

c. "Light source" means a device (such as a lamp) which provides visible energy.

d. "Person" means any individual, firm, partnership, trustee, agent, association, corporation, company, governmental agency, club or organization of any kind.

e. "Spill light" means any artificial light flowing onto an adjacent property.

2. GLARE AND SPILL LIGHT DECLARED A NUISANCE. Glare, spill and intermittent artificial light impacting on residential properties between the hours of 6 p.m. and 7 a.m. which causes loss of enjoyment, comfort or repose, and use of such properties is declared a nuisance.

3. NUISANCE DETERMINED. a. Spill light shall be considered a nuisance when measurement in the nearest habitable area of the residential property at the location where the alleged nuisance occurs reveals that such light produces 0.2 horizontal foot candles or more at approximately 4 feet from the ground or floor surface at which the measurement is taken. Such measurements shall be taken by department personnel utilizing appropriate equipment and techniques.

b. Glare light shall be considered a nuisance when an artificial light source has not been properly located, shielded, directed or controlled, and as a result there is a direct line of sight between the light source or its reflection and a point 5 feet above the ground or higher in the nearest habitable area on the complainant's property and of such intensity as to cause discomfort or annoyance.

c. Intermittent light shall be considered a nuisance when it impacts upon a habitable area of a complainant's property with such intensity and variance as to cause discomfort or annoyance.

4. PRODUCTION OF LIGHT NUISANCE PROHIBITED. No artificial light source shall be installed, allowed to be installed or permitted on any property which light source flashes or revolves, or due to its intensity or physical characteristics, causes glare or spills onto a residential property in such a manner as to cause a nuisance during the hours of 6 p.m. through 7 a.m.

5. RESPONSIBILITY. It shall be the responsibility of every installer of artificial lights and every owner or occupant of property on which artificial lights are installed to comply with sub. 4.

6. EXEMPTIONS. The provisions of subs. 4 and 5 shall not apply where:

a. Such lights are caused to be installed by city, county or state governments to light public ways or areas for public benefit; or

b. There is no written complaint filed with the department by a person directly affected by such light; or

c. Such lights are required by law for safety reasons and there is no practical way to control them to eliminate the nuisance.

7. MAKING A COMPLAINT.

a. Any adult resident of the city may seek relief from nuisance light on a residential property by filing a written complaint with the department.

b. The written complaint shall contain the complainant's name and address, the address of the property where the alleged nuisance light is installed, a brief description of the light source, and the complainant's signature.

c. Upon receipt of a complaint, the department shall investigate whether the regulations set forth in subs. 3 or 4 could or are being violated.

d. The department shall notify the affected parties as to its findings.

e. The complainant must be willing to testify in court if required as to the nature of the nuisance of the light about which they are complaining.

8. RETROACTIVITY. It is the intent of the city that the provisions of this section shall apply to all existing installations, and the owners or occupants of properties on which nuisance lights exist shall be responsible for eliminating any nuisance caused by their lights to comply with this section.

**CHAPTER 115
STREET CONSTRUCTION AND WORK ON PUBLIC WAYS**

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115-18	Correction of Improper Construction	115-48	Penalty, General
115-19	Plans of Structures or Facilities Within Public Ways	115-1. Definitions. In this chapter:	
115-20	Submission of Plans	1. ALLEY means a public thoroughfare shown on a plat, which is primarily intended to provide secondary access to a lot, block, or parcel of land fronting upon a street and not for the use of through traffic. It includes the pavement and the area extending to the lot line on either side.	
115-21	Utility Wires, Poles, Cables, etc.	2. BLOCK means the distance along a street lying between center lines of street intersection.	
115-22	Utilities to Change Structures Upon Request	3. COMMISSIONER means the commissioner of public works of the city of Milwaukee or a duly authorized agent.	
115-22.5	Street and Alley Construction	4. EXCAVATION means any opening, hole or trench made in any public way or public place.	
115-22.7	Coal Tar Sealants and High PAH Sealants Prohibited	5. INSTALLATION means the construction, placement, or repair of pavement, sidewalk, curb or gutter, driveway, storm, sanitary and combined sewers and related	
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facilities, water main and related facilities, utility pole, light pole, cable, conduit, alarm systems, hollow walk, other public and private appurtenances, and any other facility without limitation by reason of enumeration or any combination of the aforementioned installed under, upon, or over any public way or public place.

6. LOT LINE means the outer edge of the municipal easement or dedicated area.

7. PAVEMENT means the constructed surface of any public way or public place regardless of the type of materials utilized in its construction.

8. PEDESTRIAN WAY means the public thoroughfare dedicated or reserved for pedestrian purposes including the sidewalk pavement and the area extending to the lot line on each side.

9. PERSON means any natural person or persons, firm or corporation.

10. PUBLIC PLACE means city property under the jurisdiction of the common council, owned by or dedicated or reserved for the city for public purposes.

11. PUBLIC UTILITY means and embraces every corporation, company, individual, association and their lessees, trustees or receivers appointed by any court that may own, operate, manage or control any plant or equipment whatsoever within the city for the production, transmission, delivery or furnishing of heat, light, water or power or for providing or furnishing telephone, telegraph, radio, television or cable service, either directly or indirectly, to or for the public.

12. PUBLIC WAY means any public thoroughfare dedicated, condemned, acquired, or created in accordance with the statutes for street, alley or pedestrian way purposes.

13. ROADWAY means that portion of the street intended for vehicular traffic. Where curbs exist, it is that portion of the street between the faces of the curbs.

14. SIDEWALK means the paved portion of the sidewalk area or pedestrian way for through pedestrian traffic.

15. SIDEWALK AREA means that portion of the street located between the street lot line and the roadway. Where there are curbs, it shall be that portion of the street between the lot line and the face of the curb.

16. STREET means every highway within the corporate limits of the city except

alleys. It shall be the area between the lot lines including roadway pavement, curb and gutter and sidewalk.

17. TRAFFIC CALMING INSTALLATION means any device, object or material, other than a traffic sign, signal or other traffic control device as defined in s. 349.065, Wis. Stats., constructed or placed within a public way for the purpose of encouraging slower traffic or enhancing pedestrian safety.

115-2. Commissioner to Prescribe Rules. The commissioner is authorized and empowered to make and prescribe such additional specifications, rules and regulations to implement this chapter not inconsistent with the provisions of this chapter, as he may deem necessary for the public interest in all public places and public ways. A copy of such specifications, rules and regulations shall be kept on file, available to the public, in the office of the commissioner.

115-3. Permits for Excavation and/or Installations in Public Ways and Public Places.

1. No person shall make any excavation and/or installation in any public way or public place for any purpose whatsoever unless he or she possesses a currently-valid permit therefor from the commissioner, except where required by contract with the city for constructing, paving, or reconstructing a street. City forces charged with the duty of repairing or reconstructing streets and city forces charged with the duty of installing, replacing or removing street lighting, alarm systems or traffic control signal devices, poles or standards are not required to secure a permit, except that where electrical conduit is laid in the public way, a permit shall be taken out. If any work for which a permit has been issued has not been started, resumed or completed by the expiration date of the permit, the permit shall lapse and be void, and no work shall be begun, resumed or completed until a new permit is obtained and the appropriate fee paid.

2. The director of the department of public works infrastructure services division, or any official or employee of the division of infrastructure services that the director may designate, may issue a citation for any violation of this section pursuant to s. 50-25.

115-3.5. When Permits Not Issued. Except in an extreme emergency, the commissioner shall not issue a permit for a street excavation which would interfere with traffic that has been rerouted.

115-4. Granting of Permits. 1. Upon application for a permit for excavation or installation, or both, in a public way or public place and payment of the fees and deposits required in s. 115-7, the commissioner may, where not inconsistent with any other ordinance, issue a permit to excavate or disturb the surface of any public way or place.

2. The permit shall state the name of the applicant, the nature, purpose, and location of the excavation or installation, the amount of the permit and inspection fees, and the number of days for which the permit shall remain in force.

3. All permits shall be consecutively numbered and shall be made out in quadruplicate, one copy to be given to the permittee, 2 copies to be delivered to the director of the department of public works infrastructure services division, and one copy to remain on file in the office of the commissioner.

4. Permit applications for installations in public ways or public places shall be in the form and contain such additional information as required by the commissioner.

5. Whenever a permit for excavation or installation in a public way or public place is granted, the permit holder shall, as a condition of permit issuance, be required to serve written notice of the impending excavation or installation work to each occupant of abutting private property at least 72 hours prior to commencement of work if the excavation or installation will be in progress for more than 24 hours, impede or obstruct access to abutting private property, or result in interruption of utility service to abutting private property. If work will be in progress for more than 96 hours, the commissioner shall provide similar notice to the common council member in whose district the excavation or installation work will occur. The notice to the abutting property owners shall include a name and telephone number of a

person who is affiliated with the permit holder and directly responsible for and knowledgeable of the work to be performed. The notice shall identify the type of work to be performed and the estimated duration of the work. A color photograph or video shall be taken by the permit holder or person affiliated with the permit holder of the written notice being served. Photographs and video recordings shall be time and date-stamped and shall be maintained and made available to the commissioner, or the commissioner's designee, upon request. Proper photographs or video-recordings shall depict written notice being served to the occupants of abutting properties in a clear and unobstructed perspective, as determined by the commissioner. No notification shall be required for emergency public way excavation, such as but not limited to an excavation relating to a gas, water or steam leak or an electrical outage, or for an excavation carried out in conjunction with minor maintenance activities, such as but not limited to manhole adjustments, hydrant or valve repairs or work on utility services to individual properties.

6. **FAILURE TO NOTIFY.** If work is started or the public way occupied without first providing notification as required in sub. 5, or if the permit holder fails to provide photographs or video recordings of written notice being served to the commissioner or the commissioner's designee upon request, any person, firm or corporation violating this section shall be subject to a fine of not less than \$1,000 nor more than \$5,000, and upon default of payment thereof, be punished by imprisonment in the house of correction for a period of not more than 60 days. Each day the work continues or the public right-of-way is closed to public use shall be regarded as a separate offense.

6.5. **DIGITAL SIGNS FOR MAJOR ROAD CLOSURES.** a. A permit holder shall be required to erect digital signage whenever a permit is granted under this section for work on any roadway where both of the following conditions are met:

a-1. The roadway is determined to have average daily traffic greater than 3,000.

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a-2. The work, occupation, or closure of the roadway is expected to last longer than 96 hours.

a-3. The work is expected to fully obstruct traffic in at least one direction on the roadway.

b. The digital sign shall be erected before at least 1 week before work, occupation, or closure commences.

c. Whenever a permit is granted that requires digital signage under this section, the department shall notify the permit holder.

7. PENALTY FOR WORK CONDUCTED WITHOUT PERMIT. Any person, firm, or corporation that begins work or occupies the public right-of-way without first obtaining a permit as required by this chapter shall be subject to a penalty of not more than \$1,000. Each day the work continues or the public right-of-way is closed to public use shall be regarded as a separate offense.

115-4.5. Permit Fees and Refunds. 1. PERMIT FEES. a. Fees for permits issued under this chapter are as specified in ch. 81.

b. Agencies of the U.S. government and the state of Wisconsin are exempt from paying fees for permits issued under this chapter.

2. DOUBLE FEES. a. Where work is started, or the public way occupied without first obtaining a permit as required by this chapter, the fees specified shall be doubled, but the payment of such double fees shall not relieve any person from fully complying with all the regulations of this chapter in the execution of the work, nor from any other penalties prescribed in this chapter.

b. If application for a permit is sent through the U.S. mail, the official date of such application shall be deemed to be 2 days before its receipt in the office of the commissioner, excluding Saturdays, Sundays and holidays.

3. REINSPECTION FEE. Any person holding an expired permit for excavation or installation work which was not completed by the expiration date of the permit shall, in addition to a fee for a new permit to complete the work, also pay the applicable inspection fees of s. 81-50 for all department of public works inspection services performed after expiration of the permit.

4. REFUNDS. a. Requests for refunds shall be made in writing by the original permittee within 30 days of the issuance of the permit.

b. Any person requesting a refund for an unused permit shall be charged 20% of the permit fee with a minimum processing fee of \$20 except that no refund shall be made when the permit fee is \$20 or less.

c. Any person requesting a refund for a permit which was issued in error by the commissioner shall be entitled to a full refund of the permit fee.

d. No refund shall be made on a permit that has lapsed and been declared void.

e. Refunds shall be paid upon certification by the commissioner to the city comptroller who shall charge the refunds to the appropriate revenue accounts and shall annually inform the common council of the amount of fees refunded and the persons to whom refunds were made.

115-5. Permits for Excavation in New Street Pavements. 1. EMERGENCY SITUATIONS.

The commissioner, at his or her sole discretion, is authorized to issue a permit for excavation in any new street, reconstructed street or resurfaced street less than 3 years old upon finding that an emergency necessitating such excavation exists. Examples of emergency situations include, but shall not be limited to, structural failure, clogging, leakage or defect in any underground structure or facility. An application for new building sewers or water, steam, electrical or other utility service shall not be considered an emergency.

2. NON-EMERGENCY SITUATIONS. When the commissioner finds that no emergency exists, the commissioner may issue a permit for excavation in any new street, reconstructed street or resurfaced street where the pavement is less than 3 years old only upon:

a. Determining that no alternative to excavation is reasonably feasible.

b. Consulting with the local common council member or members. The commissioner shall deny the permit upon request of the council member.

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3. RESPONSIBILITY FOR REPAIRS. Any permit issued pursuant to this section for excavation in street pavement less than 3 years old shall stipulate that the permit holder shall be financially responsible for any necessary repairs resulting from future defects in the affected pavement sections if such defects can be clearly attributed to the permitted excavation work.

115-6. Register of Permits. **1.** The commissioner shall prepare and keep a general register of permits issued, numbered chronologically showing date of issuance, name of person to whom issued, location of the public way or public place to be excavated or disturbed, time in which the work is to be completed, amount paid for issuing permit, deposit receipt number of amount deposited for restoring the public way or public place and reason for excavation, and such other and further items as will enable anyone to obtain a complete history of each permit from its issue to its termination. The copies of the permits kept by the commissioner shall constitute the general register.

2. A separate ledger record shall be kept for each permittee whose permit requires a deposit, showing date received, amount deposited, permit number and purpose of deposit. This ledger shall also show the final disposition of each deposit, i.e., invoice number and amount paid for required restoration (by city forces or otherwise) and amount refunded to permittee, if any.

115-7. Excavation Fees and Deposits.

1. PERMIT FEES. No permit shall be issued to any person other than city forces except upon payment of the excavation permit fees required in s. 81-50, and the deposit fees required in sub. 3.

2. INSPECTION FEES. See s. 81-50-5 for the fees required for inspection services, or the exemptions therefrom, for each excavation permit.

3. DEPOSITS. **a.** Public utilities owned or operated by a municipality shall be billed for the cost of restoration of the public way or public place and all installations and facilities thereon on each permit after such restoration is completed. If payment is not made within 30 days after the issuance of the bill, no further permit shall be issued to such utility until after such bill or bills are paid.

b. All other persons shall deposit a sum estimated as sufficient to pay the cost of restoration of the public way or public place and all installation and facilities thereon in accordance with a schedule provided by the commissioner. After the repair is made, if the actual cost exceeds the deposit, such person will be billed for the balance. If the actual cost is

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certain public highways and sidewalks within the city and to provide for the freer flow of traffic, both vehicular and pedestrian, on such highways and sidewalks, it is declared to be unlawful for any operator to park any vehicle on any public highway or sidewalk enumerated specifically or by area or classification in this section during the periods specified, or on any public highway or sidewalk within 300 feet thereof, during such periods for the purpose of offering for sale or selling any articles of any nature whatsoever in a public manner from such vehicle.

b. Specific Streets and Highways Where Selling Prohibited. The public highways, sidewalks and areas to which this section applies may be found in the common council proceedings, the official record on file in the city clerk's office, and the code on file in the legislative reference bureau.

c. Exemption. At a special event for which the department of public works has issued a special event permit, a vendor who has been granted permission by the organizers of the event to sell articles on the public highway or sidewalk encompassed by the footprint of the event shall be exempt from the regulations of this subsection for the duration of the event.

2. LOCATIONS WHERE SELLING PROHIBITED. a. Near Schools or Residences

a-1. Within 300 feet of any entrance to any grade, junior high or high school or combination thereof while such school is open to students.

a-2. Adjacent to blocks containing residential premises; provided, however, that vehicles shall not be considered in violation of this provision if:

a-2-a. They stop for no more than 2 hours in any single block and such stops are otherwise in compliance with posted time limits and are separated by a 6 hour period, nor

a-2-b. If special permission is granted (which special permission shall not be unreasonably withheld) in writing for a specified vehicle for a specific location, date and time period by the public safety and health committee of the common council.

b. From the Median or Safety Island. Except when the roadway has been closed to traffic by common council resolution and the vehicle is otherwise in compliance with this section.

c. Near Restaurants.

c-1. Within 50 feet of a restaurant without drive-through facility, as defined in s. 295-201-501.

c-2. Notwithstanding the foregoing, subd. 1 may be waived by the common council.

3. TIMES WHEN SELLING PROHIBITED. a. The sale of items from parked vehicles shall be prohibited as follows:

a-1. Between the hours of 3 a.m. and 6 a.m. Monday through Friday.

a-2. Between the hours of 3:30 a.m. and 6 a.m. Saturday and Sunday.

a-3. As established by a plan of operation approved by the common council.

b. This prohibition shall not apply on January 1, Memorial Day, Juneteenth, the 3rd and 4th of July, Labor Day, on city streets adjacent to State Fair Park during the run of the Wisconsin State Fair or during any other specific dates specified by the common council by resolution.

4. PENALTY. Any person violating this section shall upon conviction forfeit not less than \$50 nor more than \$500 and in default of payment shall be imprisoned as provided by law.

115-47. Railroad Cars Not to Obstruct Street.

No corporation operating, or person having charge of any railroad car, engine or tender, or any railroad or any street railway train or car in the city shall suffer any railroad car, engine or tender or any railroad or any street railway train, or car operated by it, or under his control or charge to stand, so slowly move, or in any other manner remain in any street in the city so as to obstruct the free passage of vehicles or traffic along such street and across such railroad track more than 5 minutes at any time. It shall be unlawful for any street railway train or car to stop within an intersection or on a crosswalk for the purpose of receiving or discharging passengers.

115-47.5 Annual Roadwork Plans for Public

Utilities. Any public utility conducting work on public ways within the city shall submit to the department, no later than December 1st of each year, an annual plan. The annual plan shall include a list of all projects they intend to conduct in the following year which will require the obstruction of a public way.

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115-48. Penalty, General. Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less than \$25 nor more than \$250 for each violation, and upon default of payment thereof, be punished by imprisonment in the house of correction for a period of not more than 60 days. Where the violation consists of failing to do a required act, each day shall be regarded as a separate offense.

**For the legislative history of Chapter 115,
contact the Municipal Research Library.**