

## Chapter 16

### PEACE AND GOOD ORDER

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- § 16-24. Tree and shrub planting, removal and trimming.
- § 16-25. Street refurbishing.
- § 16-26. Truancy.
- § 16-27. Violations and penalties.

[HISTORY: Adopted by the Common Council of the City of Gillett as §§ 7.06, 7.07, 8.01 to 8.05.1 and 8.09 and Ch. XI of the former Municipal Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Adult-oriented establishments and clubs — See Ch. 5.  
Animals — See Ch. 6.

Intoxicating liquor and fermented malt beverages — See Ch. 14.  
Nuisances — See Ch. 15.

#### § 16-1. Offenses against state laws subject to forfeiture.

The following statutes defining offenses against the peace and good order of the state are adopted by reference to define offenses against the peace and good order of the municipality, provided that the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under Chapter 1, Article II of this Code.

- 173.10 Investigation of Animal Cruelty Complaints
- 939.05(2)(b)(c) Aiding and Abetting

940.19(1)	Battery
940.20	Battery: Special Circumstances
940.291	Failure of a Police Officer to Render Aid
941.01	Negligent Operation of a Vehicle
941.03	Highway Obstruction
941.10	Negligent Handling of Burning Materials
941.12	Interfering With Fire Fighting
941.13	False Alarms
941.20	Reckless Use of Weapons
941.23	Carrying Concealed Weapon
941.235	Carrying a Firearm in a Public Building
941.237	Carrying Handgun Where Alcohol Beverages May Be Sold and Consumed
941.24	Possession of Switchblade Knife
941.2965	Restrictions on Use of Facsimile Firearms
941.297	Sale or Distribution of Imitation Firearms
941.35	Emergency Telephone Calls
941.36	Fraudulent Tapping of Electric Wires or Gas or Water Meters
942.01	Defamation
942.03	Giving False Information For Publication
942.05	Opening Letters
942.06	Use of Polygraphs and Similar Tests
942.07	Use of Genetic Tests
943.01(1)	Criminal Damage to Property
943.07	Criminal Damage to Railroads
943.11	Entry Into Locked Vehicle
943.125	Entry Into Locked Coin Box
943.13	Trespass to Land
943.14	Trespass to Dwellings
943.145	Criminal Trespass to a Medical Facility
943.15	Entry Into Locked Site
943.20	Theft
943.207	Transfer of Recorded Sounds for Unlawful Use; Sale
943.21	Fraud on Hotel or Restaurant Keeper or Taxicab Operator
943.215	Absconding Without Paying Rent
943.22	Cheating Tokens
943.24	Issue of Worthless Check
943.34(1)(a)	Receiving Stolen Property
943.37	Alteration of Property Identification Marks

943.38(3)	Forgery
943.392	Fraudulent Data Alteration
943.395	Fraudulent Insurance and Employee Benefit Program Claims
943.41	Financial Transaction Card Crimes
943.45	Theft of Telecommunications Service
943.455	Theft of Commercial Mobile Service
943.46	Theft of Cable Television Service
943.47	Theft of Satellite Cable Programming
943.50	Shoplifting
943.50(4)(a)	Retail Theft
943.55	Removal of Shopping Cart
943.70	Computer Crimes
943.75	Unauthorized Release of Animals
944.15	Fornication
944.17	Sexual Gratification
944.20	Lewd and Lascivious Behavior
944.21	Obscene Material or Performance
944.23	Making Lewd, Obscene or Indecent Drawings
944.30	Prostitution
944.31	Patronizing Prostitutes
944.33	Pandering
944.36	Solicitation of Drinks Prohibited
945.01	Definitions Relating to Gambling
945.02	Gambling
945.04	Permitting Premises to be Used for Commercial Gambling
945.07	Gambling by Participants in Contest
946.40	Refusing to Aid Officer
946.41	Resisting or Obstructing Officer
946.42(2)	Escape
946.46	Encouraging Violation of Probation or Parole
946.70	Impersonating Peace Officer
947.01	Disorderly Conduct
947.012	Unlawful Use of Telephone
947.0125	Unlawful Use of Computerized Communication Systems
947.013	Harassment
947.02	Vagrancy
947.06	Unlawful Assemblies
948.01	Definitions Relating to Crimes Against Children
948.10	Exposing a Sex Organ

948.21	Neglecting a Child
948.40	Contributing to the Delinquency of a Child
948.50	Strip Search by School Employee
948.51(3)(a)	Hazing
948.60	Possession of a Dangerous Weapon by a Child
948.61(2)(a)	Dangerous Weapons on School Premises
948.63	Receiving Property From a Child
951.01	Definitions Relating to Crimes Against Animals
951.015	Construction and Application
951.02	Mistreating Animals
951.025	Decompression Prohibited
951.03	Dognapping or Catnapping
951.04	Leading Animal from Motor Vehicle
951.05	Transportation of Animals
951.06	Use of Poisonous and Controlled Substances
951.07	Use of Certain Devices Prohibited
951.08	Instigating Fights Between Animals
951.09	Shooting at Caged or Staked Animals
951.095	Harassment of Police and Fire Animals
951.10	Sale of Baby Rabbits, Chicks and Other Fowl
951.11	Artificially Colored Animals; Sale
951.13	Providing Proper Food and Drink to Confined Animals
951.14	Providing Proper Shelter
951.15	Animals; Neglected or Abandoned; Police Powers

### § 16-2. Firearms.

- A. Discharge of firearms. It shall be unlawful for any person to discharge a firearm, pellet gun or air rifle within the limits of the City at any time, except for the following:
- (1) Law enforcement officers acting in their official capacity.
  - (2) Private indoor ranges approved by the Chief of Police.
  - (3) Individuals who have received written permission from the Chief of Police for the purpose of controlling rodents, pigeons or other animals causing damage to property or otherwise constituting a public nuisance; provided, however, that any person receiving such permission shall not discharge such firearm in an unsafe manner.
  - (4) Hunting areas designated by the Planning Committee upon recommendation of the Police Chief.

- B. Possession of firearms, pellet guns or air rifles. In addition to the provisions of Subsection A, no person except duly authorized City, village, county, state or federal law enforcement officers specifically authorized by law to carry firearms shall possess a firearm, pellet gun or air gun while in any public building or on public land within the City. No person shall possess a firearm, pellet gun or air gun while in any public place within the City unless written consent to so possess a firearm, pellet gun or air rifle has been given by the owner or lessee of such public place.

**§ 16-3. Throwing or shooting of arrows, stones and other missiles.**

No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or by any other means, at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place or at a motor vehicle within the City, unless designated as a hunting area under § 16-2A(5).

**§ 16-4. Misconduct.**

No person shall within the City:

- A. In any public or private place, engage in violent, abusive, indecent, profane, boisterous, unreasonable, loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.
- B. Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation.

**§ 16-5. Motor vehicle restrictions.**

- A. Disorderly conduct with a motor vehicle.
- (1) No person shall, on public or private property located within the City, by or through the use of a motor vehicle, motorcycle, snowmobile, ATV, go-cart, or minibike, under circumstances which tend to cause or provoke a disturbance or annoy one or more persons, engage in violent, abusive, unreasonably loud or otherwise disorderly conduct, including but not limited to the unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of the engine, blowing the horn, causing the engine to backfire, or causing the vehicle while commencing to move or in motion to raise one or more of its wheels off the ground.
  - (2) Any person who shall violate this Subsection A shall, upon conviction, be subject to a forfeiture as provided in Chapter 1, Article II of this Code.
- B. Operation on City property restricted. No person shall operate a motor vehicle, defined as a vehicle that is self-propelled, on any City property. This subsection shall not apply to the normal use of the City Hall parking lot, City parks, streets and alleys and snowmobile operation, as said snowmobile operation is allowed pursuant to Chapter 19, § 19-8 of this Code, and all-terrain vehicle operation as allowed pursuant to § 19-9.

- C. Disturbance of the peace with a motor vehicle. No person shall use motor vehicle brakes within the City which are in any way activated or operated by the compression of the engine of such motor vehicle or any unit or part thereof. The brakes intended to be prohibited by this subsection are commonly referred to as "compression brakes." It shall be an affirmative defense to prosecution under this subsection that said compression brakes were applied in an emergency and were necessary for the protection of persons and/or property, with the exception of emergency vehicles.

**§ 16-6. Loud and unnecessary noise.**

No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

**§ 16-7. Unauthorized presence and disorderly conduct on school property.**

- A. It shall be unlawful for any student who is under suspension, expulsion or other discipline excluding him from attending any school located within the City or for any person not a student presently enrolled to attend such schools or not an employee of such schools or not a parent or guardian of a student so enrolled, or not an otherwise authorized person, to be present within any school building or upon any school grounds under the jurisdiction of such school without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
- B. "Authorized person" shall include:
- (1) Any person who is present at any school building or school grounds for any purpose previously authorized by the school or its designee.
  - (2) Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel.
  - (3) Any person utilizing a designated area for attending an athletic or other organized school event.
- C. No person shall, in or on any school property or building located within the City, engage in violent, abusive, indecent, profane, boisterous, unreasonable, loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person, nor shall such person intentionally engage in any fight, brawl, riot or noisy altercation.
- D. Nonstudents, students from schools other than the school on the property or students from a school who are not in compliance with the published rules and regulations of the particular school shall be considered in violation of this section, said published rules and regulations of the particular school being incorporated herein as if fully set forth herein.
- E. "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there or whose occupants or owners are not on school

property for some legitimate business or activity or that is parked in an area that restricts parking to certain authorized vehicles. Such vehicle may be issued a City summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. The Police Department may also have any vehicle towed away that, because of its location, creates a hazard to life or property.

- F. Any person who shall violate any of the provisions of this section shall, upon conviction, be subject to a forfeiture as provided in Chapter 1, Article II of this Code.

**§ 16-8. Possession and use of marijuana.**

- A. Definition. "Marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.
- B. It shall be unlawful for any person to possess, deliver, sell, or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and include those persons who are charged under this section for a first offense.
- C. Any person who shall violate any provision of this section shall, upon conviction, be subject to a forfeiture as provided in Chapter 1, Article II of this Code. Any person convicted of a second or subsequent offense under this section may be fined an amount up to twice that otherwise authorized.
- D. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such is on the person claiming it.

**§ 16-9. Sale and discharge of fireworks.**

Section 167.10, Wis. Stats., regulating the sale and use of fireworks, exclusive of any penalty imposed thereby, is adopted by reference and made a part of this section as though set forth in full.

**§ 16-10. Smoking in City-owned buildings.**

- A. No person may smoke in any City-owned building. "Smoking" means carrying a lighted cigar, cigarette, pipe or other lighted smoking equipment. This prohibition shall not apply to City-owned residential units.
- B. Any person who shall violate this section shall, upon conviction, be subject to a forfeiture as provided in Chapter 1, Article II of this Code.

**§ 16-11. Destruction of property.**

- A. No person shall willfully injure or intentionally deface or destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the City or its departments or to any private person without the consent of the owner or proper authority.
- B. Pursuant to § 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage to property caused by the willful, malicious or wanton act of such child. Such liability shall not exceed an amount set by Common Council.

**§ 16-12. Littering.**

No person shall throw any glass, rubbish, waste or filth upon the streets, alleys, highways, public parks or other property of the City or upon any private property not owned by him/her or upon the surface of any body of water within the City.

**§ 16-13. Restrictions on deposit of trash and garbage.**

- A. No person shall deposit trash and/or garbage in the trash containers of other persons without the consent of the owner.
- B. It shall be unlawful for any person to place trash and/or garbage or permit another to place trash and/or garbage at any place other than a City resident's own receptacle, unless the refuse is from the premises served by the container or from the premises at which the receptacle or collection point is located. City service containers at various points in City areas are provided for refuse from apartment house areas, businesses and institutions located within the City limits, and refuse from outside the City limits shall not be placed in the City service containers.

**§ 16-14. Library books and other personal property.**

- A. No person shall fail, on demand, to return any article or property belonging to or in the charge of the Gillett Public Library (hereinafter "Library"), according to the rules and regulations duly made and adopted by the Library Board, and no person shall remove from the Library any article or property without first having checked out as provided by such rules and regulations.
- B. No person shall mar, deface or in any other way damage or mutilate any article or property belonging to or in the charge of the Library.
- C. Any person convicted of a violation of the provisions of this section shall forfeit an amount as provided in Chapter 1, Article II of this Code and the costs of prosecution and, in default of payment of such forfeiture and the costs of prosecution, shall be imprisoned in the county jail until payment of such forfeiture and costs of prosecution, but not for more than 90 days. Where there is more than one library article involved in any violation, each such article shall constitute a separate offense. The Circuit or Municipal Court is hereby empowered to suspend payment of all or any portion of this



forfeiture imposed if the person convicted of such offense makes restitution in full to the Library Board for any damage or mutilation or returns such article or articles to the Library Board within 15 days of conviction thereof. The Municipal Court may order a defendant to make restitution pursuant to the provisions of § 800.093, Wis. Stats.

**§ 16-15. Curfew.**

- A. No person who is under the age of 16 years shall loiter, idle or remain in or upon any of the streets, alleys or public places in the City between 9:00 p.m. and 5:00 a.m. unless such child is accompanied by a parent, guardian or some person of lawful age having legal custody of such child, or unless such child is going home from school activities, or unless his employment makes it necessary for him to be upon said streets, alleys or public places, in which case this section shall not apply.
- B. Any person who shall violate this section shall, upon conviction, be subject to a forfeiture as provided in Chapter 1, Article II of this Code.

**§ 16-16. Loitering or prowling.**

- A. No person may 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 which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself/herself, or manifestly endeavors to conceal himself/herself or any object. Unless flight by the person or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him/her to identify himself/herself and explain his/her presence and conduct. No person shall be convicted of an offense under this section if the police 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 officer at the time, would have dispelled the alarm.
- B. Any person who shall violate this section shall, upon conviction, be subject to a forfeiture as provided in Chapter 1, Article II of this Code.

**§ 16-17. Parental responsibility.**

- A. Purpose. The purpose of this section is to reduce the incidents of misconduct by juveniles or underage persons by requiring proper supervision on the part of custodial parents.
- B. Definitions. The terms used in this section shall be defined as follows:

CHILD OR JUVENILE — A person under the age of 18 years.

CUSTODIAL PARENT — A parent of a minor child who has custody of said child.

**CUSTODY** — Either physical custody of a child under a court order under § 767.23 or 767.24, Wis. Stats., custody of a child under a stipulation under § 767.10, Wis. Stats., or actual physical custody of the child. "Custody" does not include legal custody, as defined under § 48.02(12), Wis. Stats., by an agency or a person other than a child's birth or adoptive parent. In determining which parent has custody of a child for purposes of this section, the court shall consider which parent had responsibility for caring for and supervising a child at the time the child's ordinance violations occurred.

- C. **Prohibited conduct.** Every custodial parent has a duty to properly supervise his/her child. Any custodial parent whose child is convicted twice in a six-month period or has three or more violations of this Code within a twelve-month period is guilty of failing to supervise said child. Said time period shall be measured from the date of violation.
- D. **Penalty.** The offense described under this section shall be subject to a penalty as provided in Chapter 1, Article II of this Code.

**§ 16-18. Indecent conduct and language.**

No person shall use any indecent, vile, profane or obscene language or conduct himself in any indecent, lewd, lascivious or obscene manner within the City.

**§ 16-19. Displaying material harmful to minors.**

- A. **Definitions.** The terms used in this section shall be defined as follows:

**HARMFUL TO MINORS** — That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:

- (1) The average adult person applying contemporary community standards would find that the material has a predominant tendency to appeal to prurient interest in sex in minors.
- (2) The average adult person applying contemporary community standards would find that the material depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors.
- (3) The material lacks serious literary, scientific, educational, artistic or political value for minors.

**KNOWINGLY** — Having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both.

**MATERIAL** — Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image or description.

**MINOR** — Any unmarried person under the age of 18 years.

**NUDITY** — The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernible turgid state, excluding nursing mothers, toddlers and infants.

**PERSON** — Any individual, partnership, association, corporation or other legal entity of any kind.

**REASONABLE BONA FIDE ATTEMPT** — An attempt to ascertain the true age of the minor by requiring production of a driver's license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor.

**SADOMASOCHISTIC ABUSE** — Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**SEXUAL CONDUCT** — Acts of masturbation, homosexuality, sexual intercourse or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is female, breast.

**SEXUAL EXCITEMENT** — The condition of human male or female genitals when in a state of sexual stimulation or arousal.

- B. Offenses. No person having custody, control or supervision of any commercial establishment shall knowingly:
- (1) Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material; provided, however, that a person shall be deemed not to have displayed material harmful to minors if the material is kept behind devices commonly known as "blinder racks" so that the lower 2/3 of the material is not exposed to view.
  - (2) Sell, furnish, present, distribute, allow to view or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors.
- C. Offenses by minors. Any person under 18 years of age who falsely states, either orally or in writing, that he is not under the age of 18 years or who presents or offers to any person any evidence of age and identity which is false or not actually his own for the purpose of ordering, obtaining, viewing or otherwise procuring or attempting to procure or view any harmful material is guilty of a violation of this section.
- D. Defenses. It shall be an affirmative defense to any prosecution under this section that the material involved was displayed, presented or disseminated to a minor at a recognized and established school, church, museum, medical clinic, hospital, public library, governmental agency, or quasi-governmental agency and by persons acting in their capacity as employees or agents of such persons or organizations and which institution displays, presents or disseminates such material or performance for a bona fide governmental, educational or scientific purpose.

**§ 16-20. Removal of snow from sidewalk.**

- A. Duty of owner or occupant. It shall be the duty of the owner or occupant of any store buildings, lot or part of a lot to remove all snow or ice from the sidewalk abutting such premises within 24 hours of cessation of the storm by which said ice or snow may be deposited. When ice has so formed upon any sidewalk that it cannot be removed, the sidewalk shall be sprinkled with ashes, sawdust, salt or sand so as to prevent the same from being dangerous.
- B. Removal by City. The Board of Public Works shall cause all sidewalks which have not been cleaned or sprinkled in the manner heretofore described to be cleaned or sprinkled upon the default of the person whose duty it shall be to clean or sprinkle the same, and the cost thereof shall be assessed as a special charge against the abutting property which shall be collected pursuant to § 66.0627, Wis. Stats.
- C. Depositing of snow on street or roadway. It is permissible for a person to deposit snow in an alley or street if said person does not have a terrace or adjacent land available for the depositing of said snow, if said depositing is done prior to the removal of snow from streets and alleys by the City snow removal crew. For purposes of this subsection, "terrace" shall be defined as a portion of land located between a sidewalk and street edge. No depositing of snow is allowed once the streets and alleys have been cleared.
- D. Cross-plowing of snow. It is prohibited for any person to plow snow from his or her property across any street or alley and deposit it on the terrace of, or the roadway in front of, another person's property, unless he has the permission of this person. Snow may be deposited only on the roadway immediately in front of a person's property as per Subsection C.

**§ 16-21. Construction and repair of sidewalks.**

- A. Sidewalk repair or replacement. Pursuant to § 66.0907, Wis. Stats., the Board of Public Works may order property owners to repair or remove any sidewalk which is unsafe, defective or insufficient. If the property owner shall fail to so repair or remove and replace such sidewalk for a period of 20 days after service of the notice provided in § 66.0907, Wis. Stats., the Board of Public Works shall direct the repair or construction of such sidewalk and the Clerk/Treasurer shall enter the total cost, or such cost as established by the Common Council, upon the tax roll as a special charge against said lot or parcel of land. In addition, whenever the City refurbishes a street and the abutting property has sidewalks already installed, the current sidewalk must be replaced at the determination of the Public Works Chairperson and Supervisor. The sidewalk cannot be removed without being replaced.
- B. Construction of sidewalks. All sidewalks shall be constructed in accordance with specifications as established by the Board of Public Works. Unless otherwise directed by the Board, the sidewalk standards shall be as established in Subsection C.
- C. Sidewalk standards.
  - (1) Location. The sidewalk shall be located in such places as designated by the Board of Public Works.

- (2) **Subgrading.** When cutting the subgrade, the material shall be excavated to a depth two inches below the underside of the concrete and brought to grade with sand. When filling is required, the subgrade shall be brought to proper grade in uniform layers not to exceed six inches in thickness and shall be thoroughly compacted mechanically.
- (3) **Width and thickness.** All sidewalks, unless otherwise provided for, shall have a standard width of not less than four feet and not more than six feet. The minimum thickness of any part of a walk shall be four inches, and in places where driveways are the walk shall have a minimum thickness of six inches.
- (4) **Concrete.** All sidewalks shall be one-course concrete construction, six-bag mix, with four-inch slump. The surface shall be struck, troweled and brushed in a uniform and even manner. Contraction joints shall be located every five feet at a depth of one inch. Expansion joints, if used, shall be one inch thick and located transversely at each property line not to exceed 200 feet apart.

**§ 16-22. Obstructions and encroachments.**

- A. **Obstructions and encroachments 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 is the owner or occupant, except as provided in Subsection B.
- B. **Exceptions.** The prohibitions of Subsection A shall not apply to the following:
  - (1) **Public utility encroachments** duly authorized by state law, the Utility Department of the City of Gillett or the Common Council. This exception does not apply to lateral extensions.
  - (2) **Temporary encroachments or obstructions** authorized by permit granted pursuant to § 66.0425, Wis. Stats.
  - (3) **Excavations and openings** permitted under § 16-23 of this chapter.
- C. **Unlawful dumping/depositing on streets.** No person shall deposit or cause to be deposited, dump, scatter or leave any rubbish, wire, earth, ashes, cinders, sawdust, hay, glass, manure, fill, paper, dirt, grass clippings, leaves, construction waste, garbage, or other offensive or noxious material on any public street, sidewalk, or alley or upon any public property or upon any property of another without the express permission of the owner or occupant thereof. **[Added 11-7-2002 by Ord. No. 2002-4]**

**§ 16-23. Street and sidewalk excavations and openings.**

- A. **Permit required.** No person shall make or cause to be made any excavation or opening in any street, alley, highway, sidewalk or other public way within the City without first obtaining a permit therefor from the City Clerk/Treasurer for street or sidewalk openings. The Utility Department of the City of Gillett shall not be subject to the provisions of the

section. The permit issued under this section may include conditions as directed by the Board of Public Works, including time limits for construction.

- B. Fee. The fee for a street opening permit shall be as set by the Common Council<sup>1</sup> and shall be paid to the Clerk/Treasurer, who shall issue a receipt. There shall be no fee for sidewalk openings.
- C. Bond required. Before a permit for excavating or opening any street or public way may be issued, the applicant must execute and deposit with the Clerk/Treasurer an indemnity approved by the City Attorney or cash deposit in a minimum amount set by the Common Council, unless a larger amount is established by the Board of Public Works. The bond shall indemnify and save harmless the City and its offices from all liability for accidents and damage caused by any of the work covered by the permit and shall provide that the applicant will fill up and place in good and safe condition all excavations and openings made in the street and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Board of Public Works for a period of one year. Such bond shall also guarantee that if the City shall elect to make the street repair, the person opening the street will pay all costs of making such repair and of maintaining the same for one year.
- D. Regulations governing street and sidewalk openings.
- (1) No opening in the streets or sidewalks for any purpose shall be permitted when the ground is frozen, except where necessary as determined by the Board of Public Works.
  - (2) All concrete and asphalt street surfaces to be removed shall be removed by cutting.
  - (3) Fill shall be of pea gravel or fine sand to within six inches of the street surface.
  - (4) Fill shall be tamped and compacted.
  - (5) Resurfacing shall be done with material that is the same as existing construction and shall be to the level of the surrounding material.

**§ 16-24. Tree and shrub planting, removal and trimming.**

- A. It shall be unlawful for any person to plant trees or shrubs on City property with the exception of the Industrial District of the City west of McKenzie Avenue, as per the Official Zoning Map. This exception will be approved on an individual basis by the Planning Committee, and the trees or shrubs shall be dwarf in nature, a minimum of 20 feet apart, and shall be trimmed five feet up from the ground, once matured. In this section, "City property" means the land on any street which lies between the curbing of the street and the sidewalk. If a property has curb and no sidewalk, or no curb or sidewalk, the City land shall be the land which lies between a point where a curbing would be located if constructed and a point where a sidewalk, if built, would be located.

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1. Editor's Note: See Ch. A41, Fee Schedule.