

ORDINANCE #403

AN ORDINANCE AMENDING ORDINANCE NO. 293 PROHIBITING THE STORAGE OR DISPLAY OF MERCHANDISE UPON THE SIDEWALKS AND STREETS IN THE CITY OF HAYWARD

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

SECTION ONE:

Section 2 of Ordinance 293 is hereby amended to read as follows:

- (A.) Upon an application for, and the issuance of, a special permit by the City Council for days and locations for goods, wares and merchandise when special events are being held within the City, except as follows:
- (B.) Any business owner, on any sidewalk within the City of Hayward, may ~~store~~ display, any goods, wares or merchandise on that portion of any sidewalk in the City of Hayward which is within two (2) feet of the front of the building where the business owner is located.
- (C.) City trash containers, municipal street signs, parking meters, U.S. postal boxes, City planters (if any), and City approved benches.

SECTION TWO: Any conflicts between the provisions of this Ordinance, or those of Ordinance 293, shall be determined in favor of this Ordinance.

SECTION THREE: Invalidation of any part of this ordinance by a Court of law shall not invalidate the remaining portions thereof.

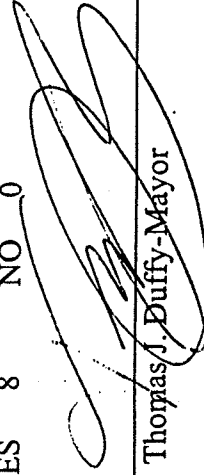
SECTION FOUR: This ordinance shall become effective upon its passing by the Common Council of the City of Hayward and publication thereof as provided by law.

Passed this 14th day of May, 2001.


MOTION BY: Ald. Pearson

SECONDED BY: Ald. Worman

YES 8 NO 0



* Thomas J. Duffy-Mayor



* Lucy Ganther-City Clerk

AN ORDINANCE TO PROHIBIT THE STORAGE OR DISPLAY OF MERCHANDISE UPON THE SIDEWALKS AND STREETS OF THE CITY OF HAYWARD.

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

Section 1. It shall be unlawful for any person or entity to store or display or cause to be stored or displayed any goods, wares or merchandise upon any sidewalk, street or alley or upon any land dedicated to public use, except as specifically set forth in the exceptions of this ordinance.

Section 2. The following exceptions shall be allowed within the City:

- (A). Upon the application for and the issuance of a special permit by the City Council for days and locations for goods, wares and merchandise when special events are being held within the City.
- (B). Upon sidewalks having a width in excess of six (6) feet, provided the person or entity provides a continuous corridor of not less than sixty (60) inches in width for moving pedestrian traffic thereon.
- (C). Upon sidewalks having a width in excess of four (4) feet but less than six (6) feet, provided the person or entity, provides a continuous corridor of not less than thirty-six (36) inches in width and taking into account adjacent sidewalk areas, provides at least one area measuring five (5) feet by five (5) feet square along each such sidewalk within a distance of 140 feet in either direction from the area being constricted by goods, wares or merchandise. In determining the area, five (5) feet by five (5) feet, no such area shall be located in an alleyway area or street area.
- (D). City trash containers, municipal street signs, parking meters and U.S. postal boxes.

Amended #463

Section 3. Goods, wares and/or merchandise authorized by exception 2-B and 2-C, herein shall be placed "in line" with sidewalk benches or other existing width restrictions such as authorized posts.

Section 4. Ordinance Number 58 is hereby repealed in total.

Section 5. Any person or entity violating any provision of this ordinance shall be subject to a forfeiture of fifty dollars (\$50.00), together with the cost of prosecution and court costs. In the default of payment of forfeiture and costs under this Ordinance, said person or person in control of any such entity violating any provision of this Ordinance shall be imprisoned in the County jail until such forfeiture be paid, not to exceed ten (10) days.

Section 6. Citations.

- (A). With respect to this Ordinance, issuance of citations under Section 66.119 of the Wisconsin Statutes is hereby authorized.
- (B). The Clerk of Circuit Court, Sawyer County, Wisconsin, shall have the authority to accept cash deposits for forfeitures and/or bond pursuant to the schedule set forth below, or as ordered by the Circuit Court for Sawyer County: **\$50.00 PLUS COURT COSTS AND COURT ASSESSMENTS.**
- (C). In lieu of the filing of a cash bond and/or deposit as set forth under Section 66.119 of the Wisconsin Statutes, the City shall have the right to detain the alleged violator to assure appearance of said alleged violator before the Circuit Court for Sawyer County.
- (D). All of the provisions of Section 66.119 of the Wisconsin Statutes are hereby incorporated herein by reference and shall be considered to be part of this Ordinance in total.
- Section 7. It shall be the duty of the Police Department of the City of Hayward to strictly enforce all of the provisions of this ordinance and all parts thereof, and said Police Department shall take into account the provisions of the American Disabilities Act as the same now exists or is hereafter amended.

Section 8. The Police Department shall keep an accurate record of all violations and shall make a yearly report of such violations to the Common Council and shall make a yearly report of all legal actions instituted to ensure such violations to the Common Council or at other intervals, as the Common Council shall designate from time to time.

Section 9. Invalidation of any part of this Ordinance by a court of law shall not invalidate the remaining portions hereof.

Section 10. This Ordinance shall become effective upon its passage by the Common Council of the City of Hayward and publication thereof as provided by law.

Passed this 8th day of February, 1993.

Robert K. Williamson
Mayor Loyal W. Towne

Robert K. Williamson
Robert K. Williamson, City Clerk-Treas.