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From Matt

1. Under sec. 64-9(b), a permit is required for "any obstruction or encumbrance of a public way" for more than two hours. I think holiday lights, strung over or across a public way, would constitute an obstruction or encumbrance of the public way. Remember, public rights of way are used not only for vehicular traffic and other forms of travel, but also for the installation of public utilities, including above ground power lines and the like. So, even if the holiday lights are not interfering with existing utility infrastructure or traffic, a permit would still be required under 64-9.

2. Under sec. 64-9(2)e, there is an exception to the requirement that a permit be obtained under 64-9. That exception applies to "private property installed adjacent to streets in the right of way, regulated under subsection (g). Subsection (g) then says that a permit is required for the street superintendent for property "adjacent to the street," in the right of way or park row, and gives examples such as lamp posts, benches, art, and decorations.' Under this section, although a permit is not needed under 64-9, a permit is still needed, so the exception seems to be somewhat meaningless. Second, this section applies only to private property located "adjacent to the street." I think the exception would not apply to lights strung over or across a street.

Sec. 58-2. – Public nuisance defined.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

(4) Unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

State Statute
66.0425 Privileges in streets.

(1) In this section, "privilege" means the authority to place an obstruction or excavation beyond a lot line, or within a highway in a town, village, or city, other than by general ordinance affecting the whole public.

(2) A person may apply to a town or village board or the common council of a city for a privilege. A privilege may be granted if the applicant assumes primary liability for damages to person or property by reason of the granting of the privilege, is obligated to remove an obstruction or excavation upon 10 days' notice by the state or the municipality and waives the right to contest in any manner the validity of this section or the amount of compensation charged. The grantor of the privilege may require the applicant to file a bond that does not exceed $10,000; that runs to the town, village, or city and to 3rd parties that may be injured; and that secures the performance of the conditions specified in this subsection. If there is no established lot line and the application is

accompanied by a blue print, the town or village board or the common council of the city may impose any conditions on the privilege that it considers advisable.

(3) Compensation for a privilege shall be paid into the general fund and shall be fixed by the governing body of a city, village or town or by the designee of the governing body.

(4) The holder of a privilege is not entitled to damages for removal of an obstruction or excavation, and if the holder does not remove the obstruction or excavation upon due notice, it shall be removed at the holder's expense.

(5) Third parties whose rights are interfered with by the granting of a privilege have a right of action against the holder of the privilege only.

(6) Subsections (1) to (5) do not apply to telecommunications carriers, as defined in s. 196.01 (8m), telecommunications utilities, as defined in s. 196.01 (10), alternative telecommunications utilities, as defined in s. 196.01 (1d), public service corporations, or cooperatives organized under ch. 185 to render or furnish gas, light, heat, or power, or to cooperatives organized under ch. 185 or 193 to render or furnish telecommunications service, but the carriers, utilities, corporations and associations shall secure a permit from the proper official for temporary obstructions or excavations in a highway and are liable for all injuries to person or property caused by the obstructions or excavations.

(7) This section does not apply to an obstruction or excavation that is in place for less than 90 days, and for which a permit has been granted by the proper official. This section does not apply if a permit has been issued under s. 86.07 (2) with respect to a manure hose, or written consent has been given under s. 86.16 (1) with respect to a pipe or pipeline, transmitting liquid manure within or across the right-of-way of a highway.

(8) This section applies to an obstruction or excavation by a city, village or town in any street, alley, or public place belonging to any other municipality.

(9) Any person who violates this section may be fined not less than $25 nor more than $500 or imprisoned for not less than 10 days nor more than 6 months or both.

(10) A privilege may be granted only as provided in this section.

Give notice to residents

Permit required

Different zoning districts

No above ground utilities

Only in residential areas during November 1 to February 1

Standards for lighting

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Privlige to obstruct the right-of-way as long as

- **Decorations**
- **No message due to distractions to drivers**

For committee:

- **Should we allow light across the street**

- **What areas should we allow this?**
  - **Residential**
  - **Commercial**

Over Hwy 51

Respectfully,

Brett Hebert
Director of Public Works