

CHAPTER 12 STREETS, SIDEWALKS AND PUBLIC PLACES

(Title 12, Recreated Daring Codification 2001-LGRS)

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12.01 PURPOSE AND INTENT. The purpose of this section is to provide minimum standards and regulations for the construction, repair and maintenance of streets, roads, highways, sidewalks and other enumerated public places within the Village of Brownsville that promote the public safety, convenience, and general welfare; protect the public investment in highways by preventing premature functional obsolescence; reduce highway accidents caused by frequent, confusing and/or poorly designed points of access; set minimum standards for new roads over which emergency vehicles may be required to travel; set minimum standards for new roads being accepted into the Village road system; and, set minimum standards for recognized access roads serving newly created lots.

12.04 STREET CONSTRUCTION.

(1) SURFACING MATERIALS SPECIFIED. (Rccr. fr. §12.04.010) From and after the date of the enactment of this section all streets within the Village which are to receive a hard surface shall be surfaced only with hot mix asphalt or concrete. The particular material to be used in regard to each street is subject to the approval of the Village Board.

(2) VILLAGE RIGHT TO MAINTAIN STREETS AND TO RESTRICT MATERIALS USED THEREFOR. (Was §12.04.020) It is the policy of the Village to build and maintain streets in such manner as shall be considered in the best interests of the village, and in view thereof, it is considered to be proper and expedient on the part of the Village Board to restrict the type of materials used in Village Streets

(3) STREET IMPROVEMENTS: METHOD OF PAYMENT. (Was 12.04.030, am. ord. 1999-3) The method of payment for new street improvements in the Village, including excavation, grading, filling and paving, curb and gutter, sidewalks, sanitary sewer and water main extensions, hydrants, sewer and water laterals, storm sewers and catch basins, including all manholes, lift stations, including all engineering and survey expenses, and all other public improvements and facilities, and including all engineering and survey fees and expenses, is as follows

(a) The property owner or subdivider shall pay 100% of such public improvements, with no contribution from the village. (am. ORD. 199-3)

(b) All payments on the installations designated in this section, if done through the Village, must be paid each month until as the project progresses. The land owner or subdivider shall furnish a bond in the amount of this total project cost to the Village before construction will be started. Estimate will be made by the Village engineer.

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(c) As an alternative to par. (a), the Village Board may order the costs, or any portion thereof, of the improvements referred to in par. (a), to be paid for out of the Village General Fund if the Board finds there is a compelling need to do so in order to promote the economic development of the Village, and only if

1. The development is a commercial and industrial development with no residential development included.
2. The development is included in a Tax Incremental Financing (TIF) District.
3. There is a written development agreement between the development and the Village approved by the Village Board. (am. Ord. 1999-3)

(4) STREET IMPROVEMENTS: PROCEDURAL REQUIREMENTS. (Was §12.04.040) All of the installations designated in sec. (3), shall be made according to the requirements established by the Village Board and its engineer.

(a) All streets must be brought to three inches of finished grade. Subbase of street shall have at least six inches of two inches or larger crushed stone and six inches of three-fourth inches crushed gravel. All piping must be laid in a sand or stone bed. Installation of sidewalks may be delayed, but must be installed as ordered by the Village Board.

(b) Sewer connection charge shall be a total of \$350.00 for each improved lot and must be paid before services will be given.

(5) PERMIT REQUIRED. (Was §12.04.050) No person, firm or corporation shall in any way improve, alter, repair, or in any way tamper with any of the areas within the Village located within the right-of-way of any Village street or any Village property sec. (6).

(6) PERMIT APPLICATION, ISSUANCE AND FEE. (Was §12.04.060) Any person, firm, or corporation desiring to alter, repair, or improve within the area commonly referred to as the street right-of-way, which area includes all street sidewalks, shall make application to the Village Clerk/Treasurer for a permit to perform such work on applications to be provided by the Village Clerk/Treasurer.

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- (a) This requirement applies to all repairs and improvements to sidewalks and utility facilities and equipment on or beneath public land in the Village, or street or utility construction shall be referred to the Village Board for review and approval.
- (b) The Village shall issue such permit only after it is satisfied that the project is in the best interest of the Village. Applications for minor repairs and alterations shall be issued by the Village Clerk/Treasurer after it has been established that the project will not endanger public facilities, or cause undue inconvenience to the general public.
- (c) A fee of \$10.00 shall accompany the permit application. Said permit shall be posted in a prominent place at the work site prior to and during the period of alteration, repair, improvement or other work.

(7) VIOLATION AND PENALTY. (Was §12.04.070) Any person, firm, or corporation who himself or itself or by his or its agent or employees, violates any of the provisions of secs. (5) and (6) shall upon conviction thereof be subject to the provisions set forth in Chapter 25, of this Code.

12.08 DEPOSITING MATERIAL ON SIDEWALK. (Rcr. Fr. §12.08.010)

(1) PROHIBITED. No person shall pile, deposit or place, or permit to be deposited, piled, or placed, any rubbish, wood, coal, dirt, wagons, sleighs, impediments or obstructions of any kind upon or over any sidewalk, or to obstruct any sidewalk so as to interfere with the convenient use of the same by the public.

(2) VIOLATION. Conviction of a violation of the provision of this section subjects the offender to the penalty set forth in Chapter 25, of this Code.

12.12 SIDEWALK CONSTRUCTION.

(1) COMPENSATION TO PROPERTY OWNERS. (Was §12.12.010) For any sidewalk that is built or rebuilt by any property owner along his property line four inches thick, the property owner shall pay 60% and the Village shall pay 40% toward the same out of the Village General Fund.

(2) WIDTH SPECIFICATIONS. (Was § 12.12.020) All sidewalks built on any new street shall be five feet in width or built to match existing sidewalk.

(3) MATERIALS. (Was §12.12.030) All sidewalks which are hereafter built or rebuilt shall be built of cement.

(4) REQUIRED REPLACEMENT OF SIDEWALKS. (Was § 12.12.040) The Village has the power to require a property owner to replace defective sidewalks, the owner will pay 60% and the Village will pay 40% out of the Village General Fund.

12.16 SIDEWALK MAINTENANCE.

(1) DUTY ASSIGNED AND FAILURE TO PERFORM. (Was §12.16.010)

(a) It shall be the duty of every owner, occupant, agent or person in charge of any premises, improved or vacant, within this Village that abuts upon any sidewalk to keep the same free from rubbish, dirt, or filth or any kind, and snow and ice.

(b) Any owner, occupant or agent or person in charge of any premises, improved or vacant, who neglects for the period of twenty-four hours after any rubbish, dirt, filth of any kind or snow or ice has been deposited, or formed upon the sidewalk upon which such premises abuts, to remove the same shall forfeit a penalty of not less than one dollar nor more than \$10.00 for each and every period of, twelve hours during which neglect may continue. The Village Board reserves the right to excuse any person or persons from cleaning their sidewalks of snow where they deem it unnecessary.

(2) VILLAGE ACTION. (Was §12.16.020)

(a) It is the duty of the street commissioner of this Village to keep the sidewalks in the Village clear of snow and ice in all cases where the owner or occupant of lots or parcels of land abutting upon such sidewalks where snow or ice may have been deposited or formed or fallen, fails to keep such sidewalk clear of snow and ice as required in sec.(1).

(b) The expense of cleaning the snow and ice from the sidewalk, in front (and along the side of a corner lot or parcel of land) of any sum lot or parcel of land shall be a lien thereon. The street commissioner shall keep an account of such expense and make a report of the same to the Village Clerk/Treasurer, who shall enter the account therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against said lot or parcel of land. The same shall be collected in all respects like the other Village tax upon real estate, and no lot or parcel of land in this Village shall be exempt from the payment thereof.

12.20 RURAL DELIVERY BOXES PROHIBITED. (Recr. fr. § 12.20. 010) It is unlawful for any person to erect or cause to be erected a rural delivery mail box within the corporate boundaries of the Village.

12.24 HOUSE NUMBERING.

(1) SYSTEM ESTABLISHED. There is established a uniform system of numbering houses and buildings fronting on all streets, avenues, and public ways in the Village, and all houses and buildings shall be numbered in accordance with the provisions of this section. (Was §12.24.010)

(2) BASE LINES ESTABLISHED. (Was §12.24.020) The south Village limits constitutes the base line for numbering along all streets running north and south, and the east Village limits constitutes the base line for numbering all streets running east and west.

(3) PROCEDURE. (Was §12.24.030) The numbering for each street shall begin at the base line. The numbers in the first block shall be from 100 to 199, the second block 200 to 299, the third block 300 to 399, etc. There shall be assigned one hundred numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other, and one number shall be assigned to each twenty feet of frontage. In blocks or equivalent space longer than 1,250 feet which is not intersected by a street, the total length of space divided by fifty shall be used to determine the feet of frontage to be assigned each number.

(4) SPECIAL CONDITIONS SPECIFIED. (Recr. fr. §12.24.040)

(a) All lots and houses on the south and west side of all streets shall be numbered with odd numbers, and all lots and houses on the north and east side of all streets shall be numbered with even numbers, each commencing with the hundred assigned to that block, and increasing from the base line, one number for each twenty feet of frontage or fraction thereof, except as provided in sec. (3).

(b) Where any building has more than one door serving separate occupants, a separate number shall be assigned to each door serving a separate occupant; provided the building is twenty feet or more in width. If the building is not twenty feet or more in width, and the entrances are not that far apart, the next consecutive number shall be marked fractional. Buildings fronting on two or more streets shall have a number on the main entrance, unless other entrances serve other occupants.

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(5) STREETS NOT EXTENDING TO BASE LINE. (Was §12.24.050) All streets not extending through to the base line shall be assigned the same relative numbers as if the street had extended to the base line.

(6) ASSIGNMENT AND PLACEMENT COST ABSORBED BY VILLAGE.

(a) The Village has caused a survey to be made and there is assigned to each house and building located on any street , alley, highway or avenue in the Village its respective number under the uniform system provided for in this section, as shown on the map originally attached to, and made apart of the ordinance that codified this section. Such map is on file in the office of the Clerk/Treasurer. Within thirty days after the effective date of this section, the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform system provided for in this section.

(b) The cost of each such number or numbers shall be paid for by the Village.

(c) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be plainly seen from the street. Whenever any building is situated more than seventy-five feet from the street line, the number of such building shall be conspicuously placed in an appropriate place so as to be easily discernible from the sidewalk. (Recr. fr. §12.24.060)

Revisor's Note: Section 12.24.060(B), as published in its codified version read, "[t]he cost of each such number or numbers shall be paid for by the owner." The word, "owner" has been changed to, "Village" to make this provision consistent with the stated intent of the ordinance.

(7) USE OF LETTERING TO DISTINGUISH SEPARATE PORTIONS OF BUILDING. (Was §12.24.070) Where only one number can be assigned to any house or building, the owner, occupant, or agent of such house or building who desires distinctive numbers for the upper and lower portion of any such house or building , or for any part of such house or building fronting on any street, nay use the suffix "A," "B," "C," etc. , as may be required.

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(8) MAP: OPEN TO INSPECTION. (Was §12.24.080) For the purpose of facilitating correct numbering, a copy of the map which accompanies the ordinance codified in this section, showing the proper number of all houses fronting upon all streets, avenues, or highways, shall be kept on file in the office of the clerk- treasurer. This map shall be opened to inspection by all persons during the office hours of the Clerk/Treasurer.

(9) ASSIGNMENT: DUTY OF CLERK/TREASURER. It shall be the duty of the Clerk/Treasurer to inform any party applying therefore of the number or numbers belonging to or encompassed within the limits of said lot or property as provided in this section. In case of doubt as to the proper number to be assigned to any lot or building, the Clerk/Treasurer shall determine the number of each lot or building. (Was § 12.24.090)

(10) DUTY OF OWNER DESIGNATED. Whenever any house, building or structure is erected or located in the Village, it shall be the duty of the owner to procure the number so assigned upon the building as provided by this section. No building permit shall be issued for any house, building, or structure until the owner has procured from the Clerk/Treasurer the official number of the premises. (Was §12.24.100)

(11) VIOLATIONS: REPORT. (Was §12.24.110) It shall be the duty of all officers of the Village to report the violation of any provision of this section.

(12) VIOLATION AND PENALTY. (Was §12.24.120) If the owner or occupant of any building required to be numbered by this section neglects for more than thirty days to duly attach and maintain the proper number of such building, the Clerk/Treasurer shall cause to be served upon him the notice requiring such owner or occupant to properly number the same, and if he neglects to do so for ten days after the serving of such notice, he shall be deemed to have violated this section. Upon conviction thereof, he shall be subject to the penalty provision contained in Chapter 25, of this Code.

12.28 TREES.

(1)_INJURING. No person shall cut, break, tear, deface or otherwise injure any flowerbed, ornamental or shade tree, or shrub, or lamppost other than his own upon any sidewalk or any street, alley or public place within the limits of the Village. (Was § 12.28.010)

(2) **PLANTING BETWEEN CURB AND SIDEWALK: UNLAWFUL.** It is unlawful for any person to plant any tree or bushes between the curbing and the sidewalk on any street within the Village limits. (Was §12.28.020)

(3) **PLANTING BETWEEN CURB AND SIDEWALK: REMOVAL.** The Village Board may summarily cause to be removed any tree or bushes planted in violation of subs. (2), at the expense of the person committing such violation. (Was §12.28.030)

(8) **VIOLATION AND PENALTY.** Any person violating the provisions of this section, upon conviction thereof, shall be subject to the penalty set forth in Chapter 25. (Was § 12.28.040)

12.32 PARK FACILITIES.

(1) **HOURS.** Public use of the facilities of Brownsville Village Park any day shall be between the hours of 8:00 A.M. and 10:00 P.M. unless a permit has been obtained for a special gathering or activity. "Park facilities" means all land owned and maintained by the Village that is within the border lines of land designated as parks on the official Village map and all buildings and equipment thereon. (Was §12.32.010)

(2) **EXCEPTIONS.** Section (1) shall not apply to any recognized nonprofit organization that has requested use of the park facilities for a fundraising project of their choice, provided that any such use of the park facility shall cease at 12:00 midnight when Central Standard Time and at 1:00 A. M. when on Daylight Saving Time.

(3) **USE OF FACILITIES:** (Was §12.32.030)

(a) **Permission Required.** Permission for the use of the park facilities by organizations, company/employee gatherings and family reunions of twenty-five or more persons, must be obtained from the Clerk/Treasurer. Permission for use of the facilities will be granted on a first come, first serve basis. **There will be a \$10.00 fee and a \$15.00 deposit. The deposit will be refunded when the park is left clean and undamaged.**

(b) **Firearms Prohibited.** No firearms shall be allowed in Village park(s).

(c) **Speed Limit.** A speed limit of 10 M.P.H. for any motor driven vehicle will be enforced within the park limits. In addition, motor driven vehicles may only be driven on designated roadways. (Was §12.32.030)

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(4) USE: RESPONSIBILITY OF PERSONS. All persons receiving permission for use of park facilities will be responsible for maintaining the good conduct of all persons present, providing police supervision when needed, and cleaning up the area of the park used. (Was § 12.32.040)

(5) USE OF PARK EQUIPMENT. No park equipment of any kind will be removed loaned to anyone without the permission of the park committee, and such permission will be limited to the use of picnic tables and benches and only to Village residents. All persons granted permission for use of tables and benches will be required to sign a statement whereby they assume all costs of replacement should any such equipment be damaged. (Was §12.32.050)

(6) ENFORCEMENT. Members of the police department and any such other persons as may be authorized by the Village Board are empowered to issue citations to any person or persons found to be in violation of the eleven p.m. curfew time. (Was §12.32.060)

(7) VIOLATION AND PENALTY. Any person violating the provisions of subs. (1), is guilty of a misdemeanor and upon conviction shall be punished by a forfeiture not to exceed \$100.00 or by imprisonment not to exceed ninety days, or by both such forfeiture and imprisonment. If there has been an affirmative showing of indigency within the discretionary period set for payment of any forfeiture by a defendant, then such person shall not be imprisoned for nonpayment of the forfeiture imposed. (Was §12.32.070)