

ORDINANCE NO. 2020 - 02

VILLAGE OF BROWNSVILLE, DODGE COUNTY, WISCONSIN

An Ordinance Regulating Parking of Vehicles or Equipment in Residential Yards

Whereas, the village board seeks to protect property values, the appearance of residential neighborhoods, enhance public safety, and promote the public welfare by regulating the parking of vehicles or equipment in residential yards.

Now, Therefore, the village board of the Village of Brownsville, Dodge County, Wisconsin, do ordain as follows:

SECTION I. Brownsville Municipal Code Section 18.13(3)(i), Parking in Residential Yards, is repealed and is recreated to read as follows:

Section 18.13(3)(i)

1. PARKING IN RESIDENTIAL YARDS. The parking of any vehicle or equipment upon a residential lot or in any other residential use district shall be in compliance with this section 18.13(3)(i) (hereafter "this section").

2. DEFINITIONS. As used in this section, the following terms have the meaning as follows:

A. PRESENT AND FUTURE, PLURAL AND SINGULAR, SHALL AND MAY. Words used in the present tense include the future. The singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory and not directory. The word "may" is permissive.

B. DRIVEWAY. Driveway means a short private road that leads to a house or garage which is maintained by an individual or group.

C. DRIVEWAY APPROACH. Driveway approach means an area intended and used for the ingress and egress of vehicles, lying within the public right-of-way, between the roadway of a public street and leading to a definite area of the private property, such as a parking area, a driveway, or a door.

D. IMPROVED SURFACE DRIVEWAY OR PARKING PAD. Improved surface driveway or parking pad means a driveway or parking pad that the top surface for parking a vehicle or storage of a vehicle or other items is concrete, bituminous pavement (asphalt), crushed limestone or similar material which is approved by the Building Inspector as material suitable to meet the requirements of being an "improved surface" for the purposes of this section.

E. PARKING PAD. Parking Pad is an improved surface area of gravel or paved area upon a property located continuously to and adjacent to an improved surface driveway intended for parking/storage of a motor vehicle, trailer, recreational vehicle or other items as allowed in this section.

F. VEHICLE OR EQUIPMENT. Vehicle or equipment means and includes any trailer, house trailer, mobile home, motor vehicle, truck, passenger motor vehicle, motor home, recreational vehicle or equipment, camper or coach designated to be mounted on motor vehicles, cabin, case or box for transporting recreational equipment, motorcycle, boat, trailer, farm machinery, personal watercraft, snowmobile, tools or equipment including without limitation a saw mill machine, stump grinder, power lift, skid steer, air compressor, scaffolding, vehicle accessory equipment, snow plow, tank sprayer or other similar equipment, device or structure.

G. PARK. Park means to keep, store or leave a vehicle or equipment in a place outside for longer than twelve (12) consecutive hours.

3. PARKING OF VEHICLES OR EQUIPMENT ON IMPROVED SURFACE ONLY - FRONT AND SIDE YARDS

The parking of any vehicle or equipment within the sec. 18.015(52) front yard, or sec. 18.015(54) side yard shall be on an improved surface driveway or parking pad, located and permitted as provided in this section. The remainder of the of the required front yard setback and side yard setback shall not be considered a permitted parking area and shall be landscaped with vegetation.

4. PARKING IN FRONT YARDS. Parking of vehicles or equipment in front yards as defined in sec. 18.015(52) (with corner lots defined as having two front yards) shall be further regulated as follows:

- A.** All parked motor vehicles which are required to be licensed by the Wisconsin Department of Motor Vehicles if the vehicle is operated upon a roadway, must be currently registered with the Department of Motor Vehicles.
- B.** All parked motor vehicles including motorized recreational vehicles and motorized equipment must in operable condition.
- C.** All vehicles or equipment parked in front yards shall be parked on an improved surface driveway or parking pad, located and permitted as provided in this section.
- D.** All vehicles or equipment parked subject to this section shall be parked in a neat manner so as not to detract from the appearance of the property.
- E.** Vehicles or equipment shall not be parked within or on areas defined to be within a vision triangle.
- F.** No improved surface for parking of vehicles and other items as regulated in this section shall be installed directly in front of the living portion of a residence. Improved surfaces for parking as regulated in this section shall be allowed to be installed adjacent to the side of the driveway away from the living portion of the residence. Such improved parking surfaces must meet a minimum setback of two (2) feet from the side lot line of adjacent property in addition to other existing setback requirements.

5. PARKING IN SIDE YARDS AND REAR YARDS. All vehicles or equipment parked in sec. 18.015(54) side yards or in sec. 18.015(53) rear yards shall be further regulated as follows:

- A.** All vehicles or equipment parked in side yards must be parked on an improved surface. Improved surfaces must meet a minimum setback of two (2) feet from the lot line of adjacent property. (An improved surface is not required for parking in rear yards.)
- B.** All parked vehicles or equipment which are required to be licensed by the Wisconsin Department of Motor Vehicles if the vehicle is operated upon a roadway, must be currently registered with the Department of Motor Vehicles.

C. All parked motor vehicles including motorized recreational vehicles and motorized equipment must in operable condition.

D. All vehicles or equipment parked in side yards shall be parked on an improved surface driveway or parking pad, located and permitted as provided in this section.

E. All vehicles or equipment shall be parked in a neat manner so as not to detract from the appearance of the property.

F. While parking on an improved surface is not required in rear yards, the area of the rear yard utilized for parking of vehicles or equipment shall not exceed a total of 600 square feet of the area of the rear yard.

1. Persons showing a demonstrated need for more than a total of 600 square feet of the area of the rear yard for parking may request a variance from this provision from the Board of Zoning Appeals as stated in section 18.18 of this chapter.

6. PARKING PROHIBITED WITH DRIVEWAY APPROACH. Parking is prohibited within a driveway approach.

7. PERMITTING. From the effective date of this ordinance, all installation of improved surfaces for vehicle or equipment parking or for outdoor storage in residential areas of the Village including replacement (except for minor repairs not exceeding one hundred fifty (150) square feet cumulative) shall require a permit issued by the Village's building inspector. When such installations involve work within the minimum required front yard or minimum required (street) side yard or side yard setback all the work within the minimum required front yard or minimum required (street) side yard shall be limited by and shall be made to comply fully with the provisions of this section, except that existing nonconforming excess improved surfaces may remain until such time as the surface requires replacement, at which time a permit will not be issued for replacement party.

A. Permit fees. Fees for the above required permit shall be the minimum fee established by the Village's building inspector.

8. ENFORCEMENT. This section shall be enforced pursuant to sec. 18.02 of this chapter, by action of the Building Inspector or the Village Marshal.

SECTION II. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

SECTION III. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

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SECTION IV. This ordinance shall become effective upon passage and publication according to law.

Passed by the Village Board of the Village of Brownsville in the County of Dodge, in the State of Wisconsin on this 9th day of December 2020.

Jeffrey Bloohm, Village President

ATTEST:
Marilyn Halley, Village Clerk