

ORDINANCE NO. 2014-1

2014-2

**AN ORDINANCE RELATING TO  
DAMAGE TO OR OBSTRUCTIONS ON  
PUBLIC PROPERTY AND RIGHT-OF-WAYS**

The Village Board of the Village of Bristol, Wisconsin, do ordain as follows:

**SECTION I. AMENDMENT OF PROVISIONS.**

Section 6-3-3 of the Village of Bristol Code of Ordinances is amended to read as follows:

**Sec. 6-3-3 Damage to or Obstruction of Streets.**

- (a) **Prohibitions.** No person shall do any of the following:
- (1) Litter or deposit any foreign matter on any street, highway, sidewalk, park or public place, except building materials and merchandise as permitted under this Section or as otherwise may be permitted by the Village Board, Village Administrator, Building Inspector or Director of Public Works.
  - (2) No person shall damage or deface any street, highway, sidewalk, public way, park or other public property, or any post, wire, lamp, street sign, traffic sign, tree, grass, vegetation, gutter, drain, manhole or any other appurtenance thereon, except as may be permitted by the Village Board, Village Administrator, Building Inspector or Director of Public Works.
  - (3) No person shall obstruct or endanger the free passage or proper use of the public of any street, sidewalk, highway, or public place, except as may be permitted by the Village Board, Village Administrator, Building Inspector or Director of Public Works. The placement of snow on a public road surface is prohibited. It is permissible to temporarily place refuse receptacles on right-of-ways per collection agreements and Village standards.
  - (4) No person shall commence or continue any construction, place construction vehicles or equipment on any Village road or public right-

of-way, or otherwise take any action which will, in the opinion of the Building Inspector, adversely impact the condition or proper use of any public street, sidewalk, highway, right-of-way or other public property without first posting a street bond and obtaining a permit under this Section from the Building Inspector.

(b) **Removal of Obstructions and Encroachments on Public Property.**

Whenever the owner or person in possession or control of any obstruction or encroachment in or upon any street, sidewalk, public ground or public right-of-way in the Village of Bristol shall refuse or neglect to remove the same within thirty (30) days after written notice, or without notice if the owner cannot readily be located for the purpose of receiving such notice, or if the Village determines that the obstruction or encroachment poses an urgent threat to the public health and safety, the same shall be deemed a nuisance requiring removal or modification as directed by a Village enforcement official. Examples of prohibited obstructions and encroachments on public property and rights-of-way are, but are not limited to, the placement of mailboxes not meeting the standards of Section 6-3-7, permanently mounted sports apparatus, improperly placed driveway standards, unauthorized structures of any kind, etc. It is also illegal to deposit snow on a public road surface. In the event the compliance notice is not complied with within the time specified, the Village of Bristol may take appropriate action, including, but not limited to, issuance of a citation, and/or cause the removal of such obstruction or encroachment. The expense of any such enforcement and removal actions by the Village shall be billed to the property owner, and, upon nonpayment, will be placed as a special charge on the taxroll against the property. It shall also be a separate offense under this Subsection for any property owner or person in possession or control of an obstruction or encroachment to resist an enforcement action taken by the Village of Bristol. An exception to this Subsection shall be any Village-authorized temporary obstructions or encroachments permitted under this Code of Ordinances or state law.

(c) **Permits.** When, upon reviewing applications for building and other permits, it appears that it will be necessary for the applicant to obtain a street excavation permit for work to be conducted on a public property or public right-of-way, then the applicant shall be required to comply with Sections 6-3-1 and 6-3-2 prior to or as a condition the issuance of any building or zoning permit. In addition to any other conditions which may be imposed by the Building Inspector for the issuance of a building permit or a street permit under Section 6-3-1, the Building Inspector may consider and impose other conditions precedent to the allowance of any such permit(s), including, but not limited to, the following:

- (1) Prohibiting any tracked vehicles on the public road or right-of-way unless steel mats or other provisions which meet with the satisfaction of the Building Inspector are utilized so as to prevent damage to Village roads and rights-of-way.

- (2) Provision for adequate off right-of-way parking during periods of construction and prohibition of overnight parking of construction equipment and trucks on any portion of the street right-of-way.
- (3) The prohibition of the use of a sewer lateral for draining any foundation during the construction phase, with appropriate measures or additional security to enforce such prohibition.
- (4) Withholding the issuance of the final occupancy permit(s) until such time as all permit conditions and/or ordinance provisions have been properly complied with.

*State Law Reference:* Section 86.04, Wis. Stats.

## **SECTION II. SEVERABILITY.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

## **SECTION III. EFFECTIVE DATE.**

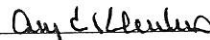
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 10<sup>th</sup> day of February, 2014.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Clerk-Treasurer

INTRODUCED: 2/10/14  
ADOPTED: 2/10/14  
POSTED/PUBLISHED: 2/25/14

State of Wisconsin:  
County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 10<sup>th</sup> day of February, 2014, and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 10<sup>th</sup> day of February, 2014.

Amy Klemko  
Amy Klemko, Village Clerk-Treasurer