

## TITLE 6

---

### **Public Works**

- |                  |  |
|------------------|--|
| <b>Chapter 1</b> | Public Works   |
| <b>Chapter 2</b> | Laying Out and Construction of Village<br>Highways and Roads |
| <b>Chapter 3</b> | Road Excavations   |
| <b>Chapter 4</b> | Driveways; Culverts; Private Streets                         |
| <b>Chapter 5</b> | Trees and Shrubs   |

## Title 6 ► Chapter 1

---

### Public Works

- 6-1-1** Statutory Public Works Authority
- 6-1-2** Payment for Public Works; Special Assessments
- 6-1-3** Burning or Deposit of Rubbish on Highway Right-of-Ways Prohibited

#### **Sec. 6-1-1 Statutory Public Work Authority.**

Without limitation because of enumeration, the Village Board may:

- (a) **Acquire Lands.** Notwithstanding Sec. 60.10(2)(e), Wis. Stats., acquire lands to lay, construct, alter, extend or repair any highway, street or alley in the Village of Bristol.
- (b) **Streets, Sewers and Water Mains.** Provide for laying, constructing, altering, extending, replacing, removing or repairing any highway, street, alley, sanitary sewer, storm sewer or water main in the Village of Bristol.
- (c) **Sidewalks.** Provide for construction, removal, replacement or repair of sidewalks under Sec. 66.0907, Wis. Stats.
- (d) **Lighting Highways.** Provide for lighting for highways, as defined under Sec. 340.01(22), Wis. Stats., located in the Village of Bristol.
- (e) **Lake Improvement.** Provide for making improvements in any lake or waterway located in the Village of Bristol.

#### **Sec. 6-1-2 Payment for Public Works; Special Assessments.**

The Bristol Village Board may levy and collect special assessments and charges under Sec. 66.0703, Wis. Stats., and Title 3, Chapter 2, of this Code to pay for all or part of the cost of any public work or improvement. Special assessments may be paid under Sec. 66.0713, Wis. Stats. Reassessments shall be under Sec. 66.0731, Wis. Stats.

*State Law Reference:* Secs. 66.54, 66.0703 and 66.0731, Wis. Stats.

**Sec. 6-1-3      Burning or Deposit of Rubbish on Highway  
Right-of-Ways Prohibited.**

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Village of Bristol, Kenosha County, State of Wisconsin, or to burn any material of any nature in or on the right-of-way of any such highway or road, and particularly the paved portions thereof, in the Village of Bristol, except as specifically authorized by the Village Board.

## Title 6 ► Chapter 2

---

# Laying Out and Construction of Village Highways and Roads

<b>6-2-1</b>	Application to Lay Out and Construct Highway
<b>6-2-2</b>	Restrictions on Laying Out Highways
<b>6-2-3</b>	Procedure After Application is Filed
<b>6-2-4</b>	Duties of Applicants After Application is Filed
<b>6-2-5</b>	Proceedings After Notice
<b>6-2-6</b>	Order, Award and Recording
<b>6-2-7</b>	Damages
<b>6-2-8</b>	Appeals
<b>6-2-9</b>	Payment of Construction Expenses
<b>6-2-10</b>	Preliminary Inspection
<b>6-2-11</b>	Performance Bond
<b>6-2-12</b>	Roadway Specifications
<b>6-2-13</b>	Final Inspection

### **Sec. 6-2-1      Application to Lay Out and Construct Highway.**

An application under this Chapter to lay out and construct a new Village highway, other than as part of a new subdivision or plat (governed by Title 14 of this Code of Ordinances) and likely in a rural area of the Village, may be filed by six (6) or more property owners of the Village. Said application must be in writing and shall be filed with the Village Clerk. The application shall contain a complete description and a survey map of the property in question. New streets and roads in subdivisions and plats shall be constructed pursuant to the Village subdivision ordinance (Title 14) and this Chapter where it is not in conflict with the Village subdivision ordinance.

*State Law Reference:* Section 80.02, Wis. Stats.

*Cross-Reference:* Title 14 and Land Division and Subdivision Code

### **Sec. 6-2-2      Restrictions on Laying Out Highways.**

- (a) No Village highway shall be laid out through or upon any cemetery without the consent of those having the control of the cemetery.



**6-2-2**

- (b) No Village highway shall be laid through or upon any structure, yard or enclosure used for educational or charitable purposes.
- (c) When the laying out of a highway would require the construction of a bridge costing more than One Thousand Dollars (\$1,000.00), exclusive of donations, the order of the Trustees laying out such highway shall not be effective unless approved by the electors of the Village, and an estimate by the Wisconsin Department of Transportation shall be conclusive of the cost of such bridge for the purposes of this Section.
- (d) Without the consent of the owner, no Village highway shall be laid out through or upon any garden or orchard or any building or fixture used for trade or manufacture or any other building or fixture or the yard or enclosure necessary to the use thereof, when the damage thereby caused thereto, exclusive of the damage to the land, exceeds Three Hundred Dollars (\$300.00).

*State Law Reference:* Sections 80.02, 80.03 and 80.04, Wis. Stats.

**Sec. 6-2-3 Procedure After Application is Filed.**

- (a) On application made pursuant to Sec. 6-2-1 above, the Village Board shall prepare a notice fixing therein a time and place at which they will meet and decide upon the application.
- (b) The notice shall specify as near as practicable the highway proposed to be laid out, widened, altered or discontinued and the tracts of land through which the highway passes.
- (c) If the application is for discontinuance, the notice shall specify the tracts of land abutting on the highway which will be benefited or injured by such discontinuance.
- (d) When the description in the aggregate exceeds two hundred (200) words in length, the notice may state that such descriptions are contained in the application as provided in Sec. 80.02, Wis. Stats., and shall give the name and address of the Village Clerk to whom the application has been delivered.

*State Law Reference:* Section 80.05(1), Wis. Stats.

**Sec. 6-2-4 Duties of Applicants After Application is Fixed.**

- (a) Applicants shall at least ten (10) days prior to date of hearing give notice by registered mail to all occupants and owners of record of lands through which the highway may pass.
- (b) Applicants shall give notice to the Wisconsin Department of Natural Resources by registered mail.
- (c) Applicants shall give notice to the Board of Soil and Water Conservation District by registered mail.

- (d) Applicants shall publish the notice as a Class 2 notice under Ch. 985 of the Wisconsin Statutes.
- (e) Failure of applicants to comply with this Section will invalidate the entire proceeding.

*State Law Reference:* Section 80.05(2), Wis. Stats.

### **Sec. 6-2-5 Proceedings After Notice.**

- (a) The Village Board shall meet at the time and place stated in the notice pursuant to Section 6-2-3(a).
- (b) The Trustees are to be satisfied that all notices as required by this Chapter and the Laws of the State of Wisconsin have been complied with.
- (c) The Village Board may personally examine the highway which is the subject of the application and shall hear any reason that may be offered for or against laying out, widening or altering the highway.
- (d) The Trustees shall, after complying with Subsections (a), (b) and (c) above, decide upon the application and shall grant or refuse the same as they deem best for the public good.
- (e) The Trustees may adjourn said hearing from time to time, not exceeding in all thirty (30) days from the time of the first meeting, giving public notice of the time and place of such adjournment and by filing forthwith of such adjournment in the office of the Village Clerk.

*State Law Reference:* Section 80.06, Wis. Stats.

### **Sec. 6-2-6 Order, Award and Recording.**

- (a) When the Village Board lays out, alters, widens or discontinues any highway, it shall make and sign an order therefore, incorporating therein a description of the highway and cause survey thereof to be made when necessary.
- (b) Damages are to be awarded to landowner pursuant to Sec. 6-2-7 hereafter and Sections 80.09 and 80.10, Wis. Stats.
- (c) The order and award of damage shall be filed and recorded in the office of Village Clerk within ten (10) days after the date fixed by the notice or adjournment for deciding upon the application.
- (d) If the Trustees fail to file the order and award within ten (10) days, they shall be deemed to have decided against the application.
- (e) A certified copy of the order shall be transmitted by the Village Clerk to the Kenosha County Highway Commissioner.

*State Law Reference:* Section 80.07, Wis. Stats.

## **Sec. 6-2-7 Damages.**

- (a) The applicant(s) shall secure a release of damages from all occupants and owners of record and file it with the Village Clerk. The damages sustained by any person upon whose land any highway be laid out, widened or altered shall be fixed by agreement signed by the owner and the Trustees and be filed in the Village Clerk's office. Such agreement and every release of damages given shall bar any further claims for damages by the owner and all persons claiming under him/her. A land conveyance shall accompany the release of damages, which shall be properly recorded with the Kenosha County Register of Deeds.
- (b) If any owner does not so agree with the Trustees as to his/her damages or does not deliver to the Trustees a written release of all claims for damages, the Trustees shall, at the time of making the highway order, assess the damages and make a written award specifying the sum awarded by them to each owner. The award shall be signed by the Trustees and be filed in the Village Clerk's Office with the order laying out, widening, altering or discontinuing the highway.

*State Law Reference:* Sections 80.09 and 80.10, Wis. Stats.

## **Sec. 6-2-8 Appeals.**

- (a) **Appeal From Highway Order** shall be pursuant to Sec. 80.17, Wis. Stats.
- (b) **Appeal From Award of Damages** by owner shall be pursuant to Sec. 80.24, Wis. Stats.

*State Law Reference:* Sections 80.17 and 80.24, Wis. Stats.

## **Sec. 6-2-9 Payment of Construction Expenses.**

All expenses involved in the preparation, construction and dedication involved in highway construction under this Chapter shall be borne by the applicant(s).

## **Sec. 6-2-10 Preliminary Inspection.**

Prior to the design, preparation and construction of any roadway to be dedicated to the Village of Bristol, the applicant shall notify the Village Administrator or Village Clerk. An on-site meeting will then be arranged to be attended by the Village Administrator, Director of Public Works, the Village Engineer (if applicable) and the applicant. Plans must be provided in order for the Village Engineer to check the design and the drainage.

**Sec. 6-2-11 Performance Bond.**

At the option of the Village Board, the applicant(s) shall prepare the highway (grade, ditch, and gravel, etc.) one year and surface it the next year in order to further compact the roadbed. If so, the applicant(s) shall provide an irrevocable letter of credit or performance bond which would enable the Village of Bristol to finish the road, in case of default by the applicant(s). The irrevocable letter of credit or performance bond shall be equal to the Village Engineer's estimated cost for one hundred twenty-five percent (125%) of the total construction cost. If the required improvements are not complete within the eighteen (18) month period, all amounts held under the performance bond or irrevocable letter of credit shall be turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board, at its option, may extend the performance period for any additional period not to exceed one (1) year; however, the initial irrevocable letter of credit or performance bond shall be required to run one (1) year beyond the initial date of acceptance of improvements.

**Sec. 6-2-12 Roadway Specifications.**

The road construction specifications for plats prescribed in Title 14, specifically the Village's "Standards for Development Construction in the Village of Bristol" shall be applicable for both new roads ordered constructed under this Chapter and for roads required as a condition of new plat approval.

**Sec. 6-2-13 Final Inspection.**

Upon completion of the proposed highway, the Village Engineer will proceed to make final inspection, accepting or rejecting road as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by the Village officials and, at that time, proof will be made by the presenting of final lien waivers that all work that has been done has been paid for. If the road is rejected, corrections shall be made as recommended by Village Board, upon the Village Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall deed to the Village of Bristol all land necessary for the road as previously mentioned.

## Title 6 ► Chapter 3

---

### Road Excavations

- 6-3-1** Excavations of Streets, Alleys, Public Ways and Roads
- 6-3-2** Regulations Governing Excavations and Openings
- 6-3-3** Damage to or Obstruction of Streets
- 6-3-4** Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences
- 6-3-5** Injury to Trees and Shrubs Prohibited
- 6-3-6** Deposit of Rubbish and Stones on Highway Right-of-Way Prohibited
- 6-3-7** Placement of Mailboxes
- 6-3-8** Mailbox Replacement

#### **Sec. 6-3-1 Excavations of Streets, Alleys, Public Ways and Roads.**

(a) **Permit Required.**

- (1) No person, partnership, utility or corporation, or their agents or employees or contractors shall make or cause to be made any opening, excavation or boring in or under any public street, public road, public alley, public way, public ground, public sidewalk or Village-owned easement or fill or alter any culvert or construct or install additions or extensions to its existing facilities within the Village of Bristol without a permit therefor from the Village Administrator or Village Clerk, or their designee. Included within the the scope of this regulation are temporary accesses (such as used with construction projects) and utility cabinet installations in a public right-of-way or public lands, or which must utilize public lands or right-of-way areas in order to construct or install a utility cabinet or other utility apparatus/equipment on private land.
- (2) The utility or contractor shall submit to the Village a written request for a utility construction/street excavation permit and a plan of the proposed alteration, boring, access, utility cabinet/equipment installation, extension or addition, showing its location and details of construction, including specified depth, method of excavation, open out or augering, provisions of restoration and whatever the Village would deem necessary for review and consideration. In being issued a permit the utility or contractor agrees to be bound by the regulations of this Section and Section 6-3-2.

- (b) **Fee.** The fee for an excavation or opening permit shall be in accordance with the Village Board's current fee schedule, plus applicable security deposits and fees. The fee shall be paid to the Village Clerk, who shall issue a receipt therefor. Village authorities are authorized to adjust and require such fees and security amounts on a case-by-case basis in the case of temporary access or utility cabinet/equipment construction projects based on the scope of the project.
- (c) **Insurance Required.** A permit shall be issued only upon condition that the applicant submit to the Village satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect public liability insurance of not less than One Million Dollars (\$1,000,000.00) per one (1) person, One Million Dollars (\$1,000,000.00) for one (1) accident and property damage coverage of not less than One Million Dollars (\$1,000,000.00), with an insurance company licensed within the State of Wisconsin, covering personal injury, death and property damage. The Village shall be listed as a third party insured.
- (d) **Security.**
  - (1) Before a permit for excavating, boring or opening any street or public way may be issued, or for the installation of utility cabinets/equipment, or construction of a temporary access, the applicant must sign a statement in that he/she will indemnify and save harmless the Village of Bristol and its officers from all liability for accidents and damage caused by any of the work covered by his/her permit, and that he/she will repair and place in good and safe condition all excavations and openings made in the street or public lands, and will replace and restore the pavement over any opening he/she may make as near as can be to the state and condition in which he/she found it, and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Village Board for a period of two (2) years, and that he/she will pay all fines imposed upon him/her for any violation of any rule, regulation or ordinance governing street openings or drainlaying adopted by the Village Board and will repair any damage done to existing improvements during the progress of the excavation, or other work regulated by this Section, in accordance with the ordinances, rules and regulations of the Village. Such statement shall also guarantee that if the Village shall elect to make the street or other necessary repairs, the person responsible for obtaining a permit under this Section and Section 6-3-2 shall pay all costs of making such repairs and of maintaining the same for two (2) years.
  - (2) With such project, including the construction of temporary access ways and the installation of utility cabinets/equipment, the Village may include in the scope of the project, including insurance and restoration security requirements, the possibility of damage to, and restoration work for, roads being utilized to access the construction site(s).
  - (3) Village officials, at their discretion, shall require an escrow account deposit, letter of credit or bond to guarantee the availability of financial resources to make such repairs; such security deposit amount, and the refund of any or all such funds, shall be



determined by the Director of Public Works given the scope and nature of the project work, but shall be in a minimum amount of Five Thousand Dollars (\$5,000.00).

- (4) Whenever the Village Board shall find that any such work has become defective within two (2) years of the date of completion, it shall give written notice thereof to the contractor stating the defect, the work to be done, the cost thereof and the period of time deemed by the Village Board to be reasonably necessary to complete said work. After receipt of such notice, the contractor or the surety must, within the time specified, repair the defect or indemnify the Village for the cost of doing the work as set forth in the notice.

## **Sec. 6-3-2 Regulations Governing Excavations and Openings.**

- (a) **Compliance with Regulations.** Any person making an excavation, opening or boring governed by this Section and Section 6-3-1 shall comply with the standards found in these Sections and the "Standards for Development Construction in the Village of Bristol" manual, whichever is more restrictive or specific.
- (b) **Frozen Ground.** No openings in the streets, alleys, sidewalks or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Village Administrator or Director of Public Works, or their designee.
- (c) **Removal of Paving.** In any opening or excavation, all paving materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least practicable inconvenience to the public and permit free flow of water along gutters.
- (d) **Protection of Public.**
  - (1) Every opening and excavation shall be enclosed with sufficient barriers. Sufficient warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced so as to give adequate warning of the existence of the opening and of piled excavated materials. No open flame warning pots shall be used. Except by special permission from the Village, no trench shall be excavated more than two hundred fifty (250) feet in advance of pipe or conduit laying nor left unfilled more than five hundred (500) feet where pipe or conduit has been laid.
  - (2) All necessary precautions shall be taken to guard the public effectively from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Village in defending any action brought against it for damages, as well as cost of any appeal, that may result from the neglect by such person or his/her employees of any necessary precaution against injury or damage to persons, vehicles or property of any kind.

- (3) Every permittee shall observe the following:
  - a. All tools, machinery, and equipment shall be locked or otherwise effectively safeguarded from any unauthorized use when not being used by the contractor and its agents and employees.
  - b. All materials and equipment shall be stored a minimum of ten (10) feet from any fire hydrant, valve boxes, manholes, inlets, cross walks and street trees.
  - c. All excavations or openings shall be either adequately filled or provided with adequate cover to prevent injury to persons or property during dusk and darkness, or at any time when work is not being actively undertaken at the site.
- (e) **Replacing Street Surface; Spoil Materials; Backfilling.**
  - (1) Boring under the street is the preferred method, unless special permission is obtained from the Village of Bristol.
  - (2) In opening any public street, public alley, public sidewalk, public way, public easement or public ground, the paving materials, sand, gravel and earth or other material moved or penetrated and all surface monuments or hubs must be removed and replaced as nearly as possible in their original condition or position and the same relation to the remainder as before.
  - (3) Every permittee shall conform with the following minimum standards concerning spoil materials, in addition to any other or special conditions imposed by the Director of Public Works or Village Engineer:
    - a. Whenever possible, it is the preference of the Village that boring be utilized instead of excavating to minimize the disturbance of public lands.
    - b. Any opening or excavation, all paving and base materials shall be removed with the least possible loss or injury to the surfacing material, and excavated material from trenches shall be placed so as to cause the least practical inconvenience to the public.
    - c. Silt dams or other soil erosion procedures or precautions shall be utilized as may be required by the Director of Public Works.
    - d. All drainageways, gutters, swales and storm inlet basins shall be kept open at all times.
    - e. Any excavated material which, in the opinion of the Village, is not suitable for refilling shall be replaced with approved backfill material. All rubbish shall be immediately removed.
    - f. In refilling the opening, the earth must be relaid in layers using the slurry technique as the preferred method; layers shall not be mechanically rammed or tamped. The contractor shall notify the Department of Public Works prior to the commencement of backfilling work and backfilling shall only be conducted when a Department of Public Works inspector is on-site. When the sides of the trench will not stand perpendicular, sheathing and braces must be used to prevent caving. No timber, bracing, lagging, sheathing or other lumber shall be left in any trench.
    - g. Trenches shall be compacted to ninety-five percent (95%) Modified Procter, with test results from a certified soil tester filed with the Village if so requested.



- h. Whenever a street opening is made and restored, a temporary asphalt patch shall be placed by the contractor upon completion of the backfilling, and all permanent pavement repairs shall be made after the backfill has properly settled by the contractor, or by the Village if the work is done inadequately by the contractor.
  - i. The Village may elect to have the opening for any street or sidewalk repaired by the Village, in which case the cost of making such repair and of maintaining it for two (2) years shall be charged to the person making the street opening.
  - j. All excavation/construction under a constructed street shall be slurry backfilled meeting WisDOT standards.
- (f) **Site Restoration; Clean Up; Waste Material.** Every permittee shall comply with the following provisions relating to site restoration:
  - (1) All spoil material and rubbish shall, upon completion of the construction, be completely removed leaving the street free and clean of all such materials. No operator of any vehicle used at the site shall cause, allow or permit the vehicle to deposit or track any mud or dirt, or leave any materials or debris from the construction site on any street.
  - (2) The contractor shall be responsible for ensuring that the public road is cleaned of all mud, dirt or debris deposited on the street when daily operations have been completed. If the presence of such dirt or debris on any street or roadway shall constitute an immediate traffic hazard, the Department of Public Works, without further notice to the contractor, shall immediately clean such street and the cost thereof shall be charged against the contractor.
- (g) **Notice.** It shall be the duty of the permittee to notify the Village Administrator, Director of Public Works and/or Village Clerk, or the Village Engineer when requested by the Village, and adjacent landowners affected by the work to be done at least twenty-four (24) hours before such work is to commence. The Village Administrator, Village Clerk and/or Director of Public Works, or the Village Engineer when requested by the Village, shall also be notified at least four (4) hours prior to backfilling and/or restoring the surface.
- (h) **Validity of Permit.** Unless the work shall be commenced within thirty (30) days of the issuance of the permit, the permit shall be void, and a new permit must be obtained and an additional fee charged. The Village may extend the time limitation for good cause. The utility or contractor shall have present at the site of construction and during the restoration period a copy of the construction plans and Village permit.
- (i) **Emergency Excavation.** In the event of an emergency, any person, firm or corporation, owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public street, alley easement, way or ground and his/her agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day.
- (j) **Excavation in New Streets Limited.** Whenever the Village Board determines to provide for the permanent improvement or repaving of any street, such determination shall be made

not less than thirty (30) days before the work of improvement or repaving shall begin. Immediately after such determination by the Village Board, the Village shall notify in writing each person, utility, Village sanitary/utility district or other agency owning or controlling any sewer, water main, conduit or other utility in or under said street or any real property abutting said street, that all such excavation work in such street must be completed within ninety (90) days. After such permanent improvement or repaving, no permit shall be issued to open or excavate said street for a period of five (5) years after the date of improvement or repaving unless, in the opinion of the Village Board, an emergency exists which makes it absolutely essential that the permit be issued.

(k) **Scope; Exception.**

- (1) The provisions of this Section shall also apply to the construction of a temporary access and the installation of utility cabinets/equipment when a public right-of-way or lands are involved or utilized.
- (2) The provisions of this Section shall not apply to excavation work done by Village of Bristol, utility/sanitary district or Water Department employees or contractors performing work under contract with the Village or utility/sanitary districts except that the safety precautions under Subsection (c) hereof shall be complied with.

### **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.
- (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) **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, then the applicant shall be required to comply with Sections 6-3-1 and 6-3-2 prior to 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.

#### **Sec. 6-3-4      Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs; Tree Removal; Fences.**

(a) **Obstruction of Intersections.**

- (1) **Purpose.** No person shall maintain, plant or permit to remain on any private or public premises situated at the intersection of two (2) or more roads, streets or alleys in the Village of Bristol any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (2) **Traffic Visibility.** On a corner parcel, no fence, wall, hedge, planting or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner parcels and a line joining the points along said street lines twenty-five (25) feet from the point of intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

- (b) **Obstruction of Signs.** It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Village. It shall be the duty of every owner of such tree, brush, shrubbery or vegetation to remove such obstruction.

- (c) **Abatement Procedure.** Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel, and the Village Clerk shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specified, it shall be lawful for the Village to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof shall be assessed to the owner.
- (d) **Trees on and Adjacent to Highway.**
- (1) **Removal of Fallen Trees.** If any tree falls from adjacent land into any highway, the owner or occupant of the land shall immediately remove the tree from the highway. If the tree is not removed by the property owner following notice from the Village, the Village may remove from any highway any fallen tree or trees therein and charge the cost thereof to the property owner pursuant to Sec. 66.0627, Wis. Stats. Under emergency situations when public safety is endangered, the Village may dispense with this procedure and immediately remove the tree.
- (2) **Planting Trees and Shrubs in Highway.** Any person owning or occupying land adjoining any highway may, with the approval of the Village Board, plant, cultivate and maintain trees, shrubs or hedges on the side of the highway continuous to and within ten (10) feet of the right-of-way edge. Such trees, shrubs or hedges shall be cut or removed only by the owner or occupant of the abutting land or by the public authority having control of the highway.
- (e) **Cutting or Injuring Trees on Highway.** No person shall cut down, break, girdle, bruise the bark or in any other manner injure any public or private trees, shrubs or hedges growing within the highway right-of-way, except as the owner thereof or the public authority maintaining the highway may cut down, trim and remove trees, shrubs and hedges for the purpose of and conducting to the benefit and improvement of the owner's land or the highway facility. When it is necessary for trees in a road right-of-way to be removed, the adjacent property owner shall have a right of first refusal to have the wood.
- (f) **Fences.** No person shall build or reconstruct any fence within the public road right-of-way.

*Cross-Reference:* Section 6-5-9

*State Law Reference:* Sec. 86.03, Wis. Stats.

### **Sec. 6-3-5 Injury to Trees and Shrubs Prohibited.**

- (a) No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Board in the case of a public tree or shrub, do or cause to be done by others any of the following acts:

- (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.
  - (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub, or place cement or other solid substance around the base of the same.
  - (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
  - (5) Attach any sign, poster, notice and other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Village may tie temporary "no parking" signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
  - (6) Cause or encourage any fire or burning near or around any tree.
- (b) All trees on any parkway or other publicly owned property near any excavation or construction of any building, structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees.
- (c) In addition to any other penalties, any tree that is damaged or destroyed shall be promptly replaced with a new, similar tree by the party causing such damage, at his/her expense. If the tree is too large to be replaced with a similar tree, a payment for replacement shall be made to the Village of Bristol.

*State Law Reference:* Sec. 86.03, Wis. Stats.

### **Sec. 6-3-6      Deposit of Rubbish and Stones on Highway Right-of-Way.**

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Village of Bristol, without written permission of the Director of Public Works for temporary use.

*Cross-Reference:* Section 6-1-4

### **Sec. 6-3-7      Placement of Mailboxes.**

Mailboxes are prohibited on the right-of-way of all highways within the Village of Bristol except as hereinafter provided:



- (a) Mailboxes are approved only if they are of a construction or design approved by the United States Postal Service or previously approved by the Postmaster.
- (b) Newspaper tubes are permitted only if provided by the newspaper and are of a construction or design that will not present a hazard to the public use of the right-of-way.
- (c) A nameplate bearing the name and address number of the mailbox owner shall be permitted on each box.
- (d) The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way.
- (e) Mailbox and newspaper tubes must be located on the side of the road required by the United States Postal Service and so that the door to the mailbox or protruding end of the newspaper tube is at least one (1) foot from the paved portion of the highway.
- (f) The owner of each mailbox shall, within twenty-four (24) hours after the end of each snowfall, keep the approach to the mailbox reasonably clean by removing all snow and ice which has fallen or accumulated in front of said mailbox.
- (g) No other object of any kind shall be attached to the mailbox, newspaper tube or their supports. No other objects, including, but not limited to, landscaping boulders or fences may be placed on the right-of-way.
- (h) This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Village of Bristol to locate and remove obstructing mailboxes.

## **Sec. 6-3-8 Mailbox Replacement.**

- (a) **Purpose.** Village snowplow operators use great care when plowing Village of Bristol streets and roads under demanding, difficult conditions. Despite best efforts, accidents can occur that result in damage to mailboxes.
- (b) **Notification; Investigation.**
  - (1) Upon telephone or written notification by the property owner within forty-eight (48) hours of suspected damage to a mailbox, the Village will conduct an investigation of the alleged damage, to be conducted by the Director of Public Works or his/her designee.
  - (2) Should the Director of Public Works determine that the mailbox damage was due to improper installation, unusual design or other defects described in Subsection (b)(3) below, the Village of Bristol shall not be responsible for such damage and mailbox replacement shall be at the property owner's expense.
  - (3) The Village of Bristol shall not be responsible for mailboxes damaged on the Village road system by Village equipment where it has been determined that:
    - a. The mailbox was not of a standard design or was not placed in conformance with the Postmaster General's standards, even though it may have been damaged by Village equipment.

- b. The mailbox was improperly installed or has a deteriorated post or mounting materials.
  - c. The mailbox, post and installation were not in good repair.
  - d. Evidence indicates that the weight of plowed snow resulted in the damage to the mailbox and/or post.
- (4) The Village of Bristol shall be responsible for mailboxes damaged on the Village road system by Village equipment where it has been determined that:
- a. Physical damage, which can be proven and documented by the property owner or the Village was caused by actual Village equipment contact.
  - b. The mailbox and post are of a standard design and placed in conformance with the Postmaster General's standards. It is the sole responsibility of the property owner ensure that his/her mailbox and/or post complies with such construction, materials, and installation standards.
  - c. The existing installation, mailbox and post were in good repair.
- (c) **Payment.** Should the investigation determine that a mailbox was damaged by Village equipment, the property owner shall receive payment to apply towards replacement materials not to exceed Thirty Dollars (\$30.00). Such payment will be issued after the property owner has submitted receipt(s) showing the purchase of replacement materials. Installation shall be at the expense of the property owner. Special decorative mailboxes and/or posts shall not be provided or paid for by the Village; if the property owner would like to install a decorative mailbox and/or post, it shall be at the owner's expense.
- (d) **Temporary Mailboxes; Minor Repairs.**
- (1) If requested, the Public Works Department may install a temporary mailbox regardless of fault if so warranted by the circumstances. The temporary mailbox may remain until the permanent mailbox is installed, for a duration not to exceed six (6) months or May 15th, whichever is earlier. In unusual or unique situations, the Director of Public Works may use his/her best judgment to remedy a broken mailbox where the cost is limited and/or repair work is minor.
- (e) **Appeals.** Should the property owner dispute the findings of the Director of Public Works or his/her designee, the property owner may appeal the decision to the Village Administrator. Such appeals shall be made in writing to the Village Administrator within fourteen (14) days after the determination of the Director of Public Works.

## Title 6 ► Chapter 4

---

# Driveways; Culverts; Private Streets

- 6-4-1 Construction of Driveways; Placement of Culverts;  
Construction of Private Streets
- 6-4-2 Construction Standards for Private Streets
- 6-4-3 Construction Standards for Dry Hydrants
- 6-4-4 Snow Removal

### Sec. 6-4-1 Construction of Driveways; Placement of Culverts; Construction of Private Streets.

- (a) **Purpose.** The purpose of this Section is to promote the safety and general welfare of the citizens of the Village of Bristol through Village authorization of driveway locations and minimum standards which allow proper drainage of surface waters within Village ditches.
- (b) **Definition.** The following definitions shall be applicable in this Chapter:
  - (1) **Driveway.** A private roadway which serves no more than one (1) parcel of land owned by the same individual(s).
  - (2) **Dry Hydrant.** Hydrant hookup that is approved by the Fire Chief and used for public fire protection that is supplied by water from a pond, lake, or stream of sufficient size and depth to allow pumping at fifteen hundred (1,500) gallons per minute for a time period of two (2) hours.
  - (3) **Private Drive.** All private routes of ingress and egress from any public right-of-way which provide access to one (1) residential dwelling unit or residential property.
  - (4) **Private Street.** All private routes of ingress and egress from any public right-of-way which provide access to two (2) or more residential dwelling units or residential properties.
- (c) **Driveway/Culvert/Private Street Construction Permit Required.**
  - (1) **Application Requirement.** No person, partnership, company or corporation shall locate, establish or construct any new driveway or private street, or install or replace any culvert, without having first obtained a Driveway/Culvert/Private Street Permit Application from the Village Clerk who shall collect the fee as prescribed in Section 1-3-1. Application for such permit shall include a drawing which accurately portrays the location, dimension and grade of the driveway or private road on the subject property, as well as a statement of the proposed materials to be used.



- (2) **Authorization Required Before Property Use Change.** Prior to the time the use of a property to be served by a driveway changes, the owner and/or his/her agent shall obtain a Construction Permit Application from the Village Clerk and approval from the Village Administrator or Director of Public Works before the new use of the property can commence.
- (d) **Driveway Location Approval; Other Agency Approvals.**
  - (1) **Location Approval.**
    - a. The Village Building Inspector and/or Director of Public Works shall make a recommendation on the location of any driveway or private street which will intersect with any private road or Village highway located within the Village of Bristol. The Village Building Inspector and/or Director of Public Works shall make a recommendation on the need for culverts on all driveways or private streets. No more than four (4) driveways shall be permitted along the arc of a cul-de-sac. Easements for driveways shall conform to the requirements of this Chapter.
    - b. For any land disturbing activity involving a driveway with a slope of twenty percent (20%) or greater, an engineer's plan is required showing the proposed grade and erosion control measures.
    - c. Driveways shall not connect to public streets on the perimeter of a "T" turnaround or on the end of a dead-end street having no cul-de-sac or "T" without permission of the Director of Public Works.
    - d. The Village Administrator may approve such application if the proposed drive complies with this and any other Village regulations, after consideration of recommendations.
    - e. All commercial, industrial, institutional, recreational and multi-family properties shall have paved driveways and public parking areas prior to receiving occupancy permits. Extensions may be approved by the Village.
    - f. Necessary permits for all driveways onto Village, county and state roads or highways in the Village of Bristol shall be required at the time of applying for a building permit.
    - g. Any person who believes he/she was wrongfully denied a driveway/private street permit may appeal such denial to the Village Board within twenty (20) days after such denial is issued.
  - (2) **Other Agency Approvals.** The property owner/developer shall obtain permission from the State of Wisconsin Department of Transportation for access to state and federal highways, and from the Kenosha County Highway Department for access to any county highway.
- (e) **General Driveway Requirements and Design Standards.** The location, design and construction of driveways shall be in accordance with the following:

(1) **General Driveway Design.**

- a. All driveway approaches in major subdivisions not on a collector street (conservation subdivisions) shall be at least fifty (50) feet apart, and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Village Board. All driveway approaches serving minor subdivisions (lots created by certified survey map) on a rural collector street shall be at least two hundred (200) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission of the Village Board. Driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street/road of the property being served.
- b. Driveways shall in all cases be placed wherever possible as to not interfere with utilities in place.
- c. No land with a grade of more than twenty-five percent (25%) shall be disturbed for the construction, establishment, reworking or improvement of a driveway.
- d. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than twenty percent (20%) and less than twenty-five percent (25%).
- e. Private driveway ditch construction along private driveways and streets shall be required and, if recommended by the Public Works Director, in those areas where storm water runoff would otherwise be forced onto the traveled street surface due to topography. All drainage easements necessary to construct these ditches shall be previously provided by the property owner.
- f. All private driveways shall be constructed utilizing a compacted subgrade consisting of quality granular material suitable for standard highway loading. Removal of top soil prior to the placement of granular material and base/aggregate shall be in conformance with the Village's "Standards for Development Construction in the Village of Bristol", Village of Bristol Code of Ordinances. The minimum depth of the stone base shall be twelve (12) inches of three (3) inch crushed stone material, compacted in place, over which a three-quarter (3/4) inch crushed aggregate is placed and shall be overlaid as a finish course. Three (3) inch open course material shall be used during construction for tracking purposes.
- g. There shall be a minimum of fourteen (14) feet of unobstructed height clearance over the entire roadway portion of the driveway in order to allow for emergency vehicle access. All vegetation, trees and shrubs shall be cut back to provide this clearance.
- h. A length of driveway of a minimum of twenty-four (24) feet shall have a maximum of two percent (2%) grade at the point where the driveway enters onto a public road. A slight dip across the driveway shall be placed just before the

- culvert at the entrance to a public road to prevent debris from washing onto a public road.
- i. Ditches, roadway crowning and culverts shall be provided for acceptable drainage.
  - j. The side bunks of the driveway shall be graded to a slope of no more than one (1) foot of vertical rise in each four (4) feet of distance, except where retaining walls and/or other erosion control measures are installed as specified in an engineer's report approved by the Village Board.
  - k. Driveways shall not provide direct ingress or egress to or from any street intersection area nor shall they encroach upon areas of the street right-of-way required for effective traffic control or for street signs.
  - l. Driveway access openings for vehicular ingress and egress shall not exceed thirty (30) feet at the right-of-way line and fifty (50) feet at the roadway surface.
  - m. Where there are two (2) or more lots or parcels along a road with insufficient frontage to meet minimum access driveway separations, a service road of not less than fifty (50) feet of right-of-way shall be provided along the entire frontage of each such lot or parcel.
  - n. Where crossovers in divided road or highway medians have been established, access driveways shall be placed directly opposite them.
  - o. Commercial and industrial land use lots or parcels shall have a maximum of two (2) driveway accesses each with a maximum width of thirty-five (35) feet. The Village may require or authorize the use of shared driveways.
  - p. Residential land use lots or parcels shall have a maximum of one (1) driveway access with a maximum width of twenty-four (24) feet.
  - q. All driveway access shall meet the following standards:
    1. A maximum grade of twelve percent (12%) at any point along the driveway.
    2. A maximum grade of two percent (2%) within fifty (50) feet of the centerline of the intersecting road.
    3. Minimum radius of curvature of one hundred (100) feet from centerline for deflections of seven degrees (7°) or more.
  - r. All curves and bends in the surface of the private driveway shall be constructed to safely transport a truck with cab and trailer so that said vehicle is confined to the surface width of the drive (minimum sixty (60) foot radius).
  - s. At the end of the private driveway, but not closer than twenty (20) feet from the end, a turnaround area shall be provided for emergency vehicle use, as determined necessary by the Public Works Director and Fire Chief, but at least with minimum dimensions of twenty (20) feet by forty (40) feet.
  - t. Driveways paved utilizing concrete shall be paved to the gutter on a curb and gutter street but only to the street right-of-way on a non-curb and gutter street. In the latter case, the driveway approach (from the edge of the street pavement

to the edge of the concrete driveway) shall be paved with asphalt materials compatible with the street surface.

- (2) **Construction Standards for Private Driveway Widths and Emergency Pullouts of Private Driveways Under 200 Feet in Length.** The minimum width for the traveled private driveway surface shall be sixteen (16) feet in width for private driveways under two hundred (200) feet in length. Such private driveways shall have a gravel or paved surface as required under the Village's "Standards for Development Construction in the Village of Bristol", this Chapter and Title 14 of the Village of Bristol Code of Ordinances respectively for travel surface(s) not less than sixteen (16) feet in width.
- (3) **Construction Standards for Private Driveway Widths and Emergency Pullouts of Private Driveways Two Hundred Feet or More in Length.**
- a. The following table shall be used to determine the minimum required width of gravel/paving for private driveways:

Length of Private Drive (Feet)	Minimum Required Width (Feet)
0-199	16
200-500	16
500 or greater	18

- b. All private driveways over five hundred (500) feet shall have a turnaround of forty (40) feet by twenty (20) feet or equal to cul-de-sac specifications from the "Standards for Development Construction in the Village of Bristol".
- c. If the finished surface of any private driveway, the required minimum width of the private driveway shall be twenty-two (22) feet. This requirement may be waived by the Public Works Director if the slope to grade is less than five to one (5:1). (For example, 6:1 is a lesser slope.)
- d. Turnaround areas shall be provided in the Village's "Standards for Development Construction in the Village of Bristol", this Chapter and Title 14 of the Village of Bristol Code of Ordinances respectively. Emergency pulloff areas shall be provided as determined necessary by the Village Public Works Director and the Fire Chief.
- e. Marker posts shall be four inches by four inches by eight feet in height (4" x 4" x 8') and shall be anchored in the ground. This post shall have a sign attached stating *F/D 500'* in nature five hundred (500) feet from building. This shall be used for dropping large diameter hose for fire suppression activities.
- f. No private drive, private street, or public street dead end combination shall exceed one thousand five hundred (1,500) feet from a public collector or arterial street unless granted a variance from the Plan Commission and the Village Board.
- g. Driveways of two hundred (200) feet and over accessing parcels on which there are no structural improvements are exempt from the requirements of this

Subsection. However, if a structure is subsequently built, all standards and requirements for driveways and culverts prescribed by this Section shall then be fully complied with.

- h. The Director of Public Works, based on recommendations of the Fire Department, may require additional clear-cut width clearances and extra driving surface widths to alleviate concerns caused by sharp curves, steep inclines or other situations which could interfere with emergency vehicles properly and safely utilizing the driveway.
- (4) **Temporary Driveways.** Temporary driveways installed during building construction shall be removed prior to building occupancy, and restoration of the public right-of-way shall be completed within six (6) months of such abandonment. Failure to restore the site to original condition may require the Village to correct the restoration and bill the property owner as a special charge.
- (5) **Culverts.**
  - a. No person shall install a drainage culvert in any road, drainway or public right-of-way without first obtaining a culvert permit from the Director of Public Works. In addition to the costs for labor, professional services and materials, the Village shall collect a culvert permit fee as prescribed in Section 1-3-1.
  - b. Application for a culvert permit shall be made by the owner of the premises and on forms provided by the Village and shall be filed with the Department of Public Works. The application shall contain information setting forth the owner, a description of the premises, the roadway, type of drain, and such other information as the Public Works Director may determine after viewing the site.
  - c. Before granting a permit, the Director of Public Works or his/her designee shall inspect the site, establish a grade, determine the size and length of the culvert with end flares, and determine such other work and conditions as shall be necessary at the site in order to provide for proper drainage and the maintenance of the culvert after installation. Generally culverts shall be placed in the ditch line at elevations that will assure proper ditch drainage.
  - d. Regarding the installation of a culvert in a Village right-of-way, the Department of Public Works shall install all culverts in any Village road, driveway, drainway or street public right-of-way, and all costs for labor, professional services and materials shall be paid by the applicant, except that in Village road rights-of-way, the Village shall provide one (1) load of gravel only, not to exceed ten (10) tons for each installation.
  - e. Drainage structure or culverts, shall be a minimum of twelve (12) inches diameter with a minimum length of twenty (20) feet and a maximum length of thirty-five (35) feet with end walls. Sizing shall be done by Public Works Director on Village streets and by the Kenosha County Highway Department on all county, state and federal highways. The surface (at the low points in grades shall be



sloped to drain to the existing storm water drainage outlet. This is to ensure that water from the driveway does not go onto the public street during rain events. This standard may be modified by the Director of Public Works due to unusual or unique circumstances at the site, and, in the case of county or state highways, approved by the County Highway Commissioner or district engineer of the Wisconsin Department of Transportation. In no case shall the culvert length be less than two (2) feet greater than the width of the driveway.

- f. Culverts shall be constructed of galvanized steel, or reinforced concrete; the size and gauge shall be determined or approved by the Director of Public Works. Used culverts are not permitted without approval from the Village Administrator.
  - g. Material used for backfill shall be of a quality acceptable to the Village and shall be free from frozen lumps, wood, stumps, or other extraneous or perishable/biodegradable materials.
  - h. The minimum cover, measured from the top of the culvert pipe to the top of the subgrade, shall be twelve (12) inches.
  - i. Erosion control measures shall be implemented as necessary to control erosion when culvert and/or driveways are installed, as directed by the Village of Bristol.
  - j. Illegal culverts and concrete in the right-of-way shall be removed by the Village at the owner's expense. Illegal culverts shall be removed at the owner's expense following notice and a prior opportunity to correct. Maintenance of culverts and/or driveways and repair of defective culverts shall be the responsibility of property owners.
- (6) ***Drainage; Apron Interference With Pavement Prohibited.*** The surface of the driveway connecting with the highway cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage from flowing onto the highway roadbed. Under no circumstances shall such driveway apron extend above any highway pavement surface.
- (f) **Final Inspection/Approval.** The final inspection and approval for driveways will be made by the Village Administrator, Village Building Inspector, Village Engineer, or Director of Public Works upon completion of construction.
  - (g) **Prohibited Driveways and/or Approvals.** No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the right-of-way limits of any highway in the Village of Bristol except as permitted by this Section. As used herein, the term "structure" includes private driveways, a portion of which extends into any highway, and which is in non-conformance with the requirements of this Section. Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Village Board.
  - (h) **Applicability.** This Section shall apply to all driveways constructed or reconstructed within the Village of Bristol after the original effective date of this Section.
  - (i) **Enforcement.** No fire/address number or building permit for construction of any kind will be issued until such time as the Driveway/Culvert Construction Application has been approved.

**6-4-1**

- (j) **Maintenance; Non-Compliance; Costs.** All costs necessary for the maintenance of the private driveways to conform to these standards for safe passage shall be at the property owner's expense. If by inspection of the private driveway or street by the Fire Chief or Public Works Director indicates maintenance is needed, a letter shall be sent to the owner(s) of the property requiring the maintenance. The property owner shall have thirty (30) days to comply. If the property owner does not comply, the work shall be ordered done by the Public Works Director and costs billed to the property owner. If the owner does not pay the bill, said costs shall be assessed to the property.
- (k) **Penalties.** Any person, partnership, company or corporation who violates any provision of this Section shall pay, when a permit fee is required, double the required fee and shall remove, alter or correct the installation as ordered by the Village of Bristol. If the owner or occupant does not correct the installation as ordered by the Village within the allotted time, the expense and work of correcting the installation shall be done by the Village and the expenses thereof shall be charged against the property as a special charge pursuant to Sec. 66.0301, Wis. Stats., after notice and hearing. In addition, a forfeiture penalty may also be applicable per Section 1-1-6, with each day of non-compliance being a separate violation.

## **Sec. 6-4-2 Construction Standards for Private Streets.**

- (a) **Standards.** All private streets shall be constructed in accordance with the Village's "Standards for Development Construction in the Village of Bristol," this Chapter and Title 14 of the Village of Bristol Code of Ordinances.
- (b) **Drainage.** Street ditch construction along private streets shall be required in those areas where storm water runoff would otherwise be forced onto the traveled street's surface due to the topography. All drainage easements necessary to construct these ditches shall be previously provided by the property owner.
- (c) **Maintenance Costs.** All costs necessary for the continued maintenance of the private street to conform to these requirements for the safe passage of emergency vehicles shall be at the property owner's expense.
- (d) **Non-Compliance.** If inspection of the private street by the Fire Chief or Public Works Director indicates maintenance is needed, a letter shall be sent to the owner(s) of the property requiring the maintenance. The property owner shall have thirty (30) days to comply. If the property owner does not comply, the work shall be ordered done by the Public Works Director and costs billed to the property owner. If the property owner does not pay the bill, said costs shall be assessed to the property.

### **Sec. 6-4-3 Requirements and Construction Standards for Dry Hydrants.**

- (a) **Requirements.** Dry hydrants shall be supplied on a water source of sufficient size, as determined by the Village, on any private street, private driveway and/or any combination of such that is longer than five hundred (500) feet from a public collector or arterial street.
- (b) **Fire Chief Approval.** Dry hydrants shall be installed on public/private streets as approved by the Fire Chief if there is a sufficient water source as determined by the Fire Chief.
- (c) **Access.** Access to the dry hydrant shall comply with this Chapter.
- (d) **Ponds.** Pond construction shall be constructed according to the Village of Bristol Code of Ordinances as well as Wisconsin Department of Natural Resources requirements.
- (e) **Permits.** All required permits shall be obtained by the owner.
- (f) **Maintenance.** Maintenance of ponds and hydrants shall be done by the owner according to Section 6-4-2(d).
- (g) **Specifications.** Dry hydrant specifications may be obtained from the Village and are incorporated herein by reference.
- (h) **Alternatives.** Alternatives to the dry hydrant requirement set forth in Subsection (a) may be requested by submission of a written request, with specifications, for the review and approval of the Fire Chief. No alternatives may be approved by the Fire Chief unless the Chief finds that the requested alternative meets appropriate NFPA standards, and the Village's codes and ordinances. The alternatives that may be requested for approval are:
  - (1) The installation of a fire sprinkler system throughout the entire structure, building or facility. The system must be equipped with an alarm system that will automatically transmit to an alarm company. Maintenance and testing documentation is required to be submitted to the Fire Department on an annual basis.
  - (2) The installation of a cistern [ten thousand (10,000) gallons] with hydrant setup. This alternative must meet all appropriate standards for rural water supply and be properly maintained and tested on an annual basis. Maintenance and testing documentation is required to be submitted to the Fire Department on an annual basis.
  - (3) The installation of a complete fire alarm system in the building with such system monitored by an alarm company. The system must meet all NFPA standards and must be maintained and tested on an annual basis. Maintenance and testing documentation is required to be submitted to the Fire Department on an annual basis.

### **Sec. 6-4-4 Snow Removal.**

Snow removal for all private driveways and streets need to be addressed by the property owner for emergency services even if the house is not occupied during the winter.



## Title 6 ► Chapter 5

---

### Trees and Shrubs

<b>6-5-1</b>	Statement of Policy and Applicability of Chapter
<b>6-5-2</b>	Definitions
<b>6-5-3</b>	Authority of Village Forester to Enter Private Premises
<b>6-5-4</b>	Interference with Village Forester Prohibited
<b>6-5-5</b>	Abatement of Tree Disease Nuisances
<b>6-5-6</b>	Assessment of Costs of Abatement
<b>6-5-7</b>	Planting of Trees and Shrubs
<b>6-5-8</b>	Trimming
<b>6-5-9</b>	Trees and Shrubbery Obstructing View at Intersections or View of Traffic Signs
<b>6-5-10</b>	Prohibited Acts
<b>6-5-11</b>	Appeal from Determinations and Orders
<b>6-5-12</b>	Adoption of State Statutes

#### **Sec. 6-5-1 Statement of Policy and Applicability of Chapter.**

- (a) **Intent and Purpose.** It is the policy of the Village of Bristol to regulate and establish policy for the control of planting, removal, maintenance and protection of trees and shrubs in or upon all public, right-of-way and terrace/boulevard areas, including public parks, of the Village of Bristol to eliminate and guard against dangerous conditions which may result in injury to persons using the streets, alleys, sidewalks, right of ways, public trails or other public areas; to promote and enhance the beauty and general welfare of the Village; to prohibit the undesirable and unsafe planting, removal, treatment and maintenance of trees and shrubs located in public areas; and to guard all trees and shrubs both public and private within the Village of Bristol against the spread of disease, insects or pests.
- (b) **Application.** The provisions of this Chapter shall apply to trees and shrubs growing or hereafter planted in or upon public areas and terrace/boulevard areas and also to all trees and shrubs growing or to be planted in or upon any private property which shall threaten the life, health, safety or welfare of the public or of any public areas.

## Sec. 6-5-2 Definitions.

Whenever the following words or terms are used in this Chapter, they shall be construed to have the following meanings:

- (a) **Person.** Person, firm, association or corporation.
- (b) **Public Property/Areas.** Owned or controlled by the Village of Bristol, including without limitation because of enumeration, public sites, parks, playgrounds, streets, public rights-of-way alleys, sidewalks, terraces/boulevards, and the terrace strip between the lot line and the curb or improved portion of any public way.
- (c) **Public Trees and Shrubs.** All trees and shrubs located or to be planted in or upon public areas.
- (d) **Public Nuisance.** Any tree or shrub or part thereof which, by reason of its condition, interferes with the use of any public areas; infected with a plant disease; infested with injurious insects or pests; injurious to public improvements or endangers the life, health, safety or welfare of persons or property. "Public nuisance" shall also be defined to include the following:
  - (1) Fatal or deleterious tree or shrub diseases.
  - (2) Dutch Elm disease.
  - (3) Oak Wilt disease.
  - (4) Emerald Ash Borer.
  - (5) Any living or standing tree or part thereof infected with any disease fungus or in a weakened condition which harbors any of the disease carriers.
  - (6) Any dead or diseased tree or part thereof, including logs, branches, stumps, firewood or other material from which the bark has not been removed and burned, or sprayed with an effective disease destroying concentrate.
  - (7) Any other deleterious or fatal tree disease.
  - (8) Any tree, shrub or part thereof, which by reason of its condition and location, is hazardous or dangerous to persons and property using or upon any public street, sidewalk, alley, park, right-of-way, or other public or private place, including the terrace/boulevard strip between the curb or pavement edge and the lot line.
  - (9) Any tree or part thereof which is infested by the eastern tent caterpillar or other defoliating larvae.
- (e) **Terrace/Boulevard Areas.** The land between the normal location of the street curbing or pavement edge and the public right-of-way line.
- (f) **Major Alteration.** Trimming a tree beyond necessary trimming to comply with this Chapter.
- (g) **Shrubs.** Any woody vegetation or a woody plant having multiple stems and bearing foliage from the ground up.
- (h) **Tree.** Any woody plant, normally having one stem or trunk bearing its foliage or crown well above ground level to heights of sixteen feet or more.

- (i) **Evergreen Tree.** Any woody plant normally having one stem or trunk and bearing foliage in the form of needles and crowns which extend from ground level throughout its entire height.
- (j) **Forester.** Person or Village employee designated by the Village Board as authorized to carry out provisions of this Chapter. The Village Board may designate a Village employee or citizen to perform the duties of Forester under Chapter 27, Wis. Stats., and may authorize such Forester to perform the duties and exercise the powers imposed on the Village Board by this Chapter. The Village Forester shall annually be appointed by the Village President, subject to Village Board confirmation, at the Board's organizational meetings. Such duties may be assigned as ongoing to the Director of Public Works or Village Administrator.
- (k) **Treatment.** Any spraying, injecting or any other application of chemicals for the abatement of a public nuisance.
- (l) **Private Utility.** Any electric, natural gas, telephone, cable or television utility providing services within the Village of Bristol limits.
- (m) **Public Utility.** Utility services provided by the Village of Bristol and its subunits.

### **Sec. 6-5-3 Authority of Village Forester to Enter Private Premises.**

The Village Forester may enter upon private premises at all reasonable times for the purpose of examining any tree or shrub located upon or over such property and carrying out any of the provisions of this Chapter.

### **Sec. 6-5-4 Interference with the Village Forester Prohibited.**

No person shall interfere with the Village Forester while he/she is engaged in carrying out any work or activities authorized by this Chapter.

### **Sec. 6-5-5 Abatement of Tree Disease Nuisances.**

- (a) **Tree Diseases a Public Nuisance.** Whereas the Village Board has determined that there are many trees growing on public and private property within the Village of Bristol, the loss of which would substantially depreciate the value of public and private property, impair the use and enjoyment of public and private property and erode the tax base of the Village, and that the health and life of such trees is threatened by fatal diseases such as Dutch Elm disease. The Village Board hereby declares its intention to control and prevent the spread of such disease and the insect pests and vectors which carry such diseases to be public nuisances.

(b) **Inspection.**

- (1) **Tree Nuisance Inspections.** The Village Forester shall inspect or cause to be inspected all property and places within the Village to determine whether any public nuisance exists thereon, and shall also inspect or cause the inspection of any tree reported or suspected to be a public nuisance.
- (2) **Authority to Enter Private Lands.** The Forester and his/her agents or employees shall have authority to enter upon private property at reasonable times for the purpose of carrying out any of the provisions of this Chapter.

(c) **Abatement of Nuisances; Duty of Forester.**

- (1) **Abatement Orders.** Following authorization by the Village Board, the Forester shall order, direct, supervise and control the abatement of public nuisances as defined in this Chapter by treatment, spraying, removal, burning or by other means determined to be necessary to prevent as fully as possible the spread of any public nuisance.
- (2) **Forester's Abatement Actions.** Whenever the Forester after inspection or examination shall determine that a public nuisance as herein defined exists on public property in the Village, the Forester shall immediately abate or cause the abatement of such nuisance in such manner as to destroy or prevent as fully as possible the spread of such nuisance.
- (3) **Private Lands.**
  - a. When the Forester determines with reasonable certainty that a public nuisance exists upon private property, the Forester shall immediately serve or cause to be served personally or by registered or certified mail upon the owner of such property, if the owner can be found, or upon the occupant thereof, a written notice of the existence of such nuisance and of a time and place for a hearing, not less than fourteen (14) days after service of such notice, on the abatement action to be taken. Such notice shall describe the nuisance and recommend procedures for its abatement, and shall further state that unless the owner shall abate the nuisance in the manner specified in the notice, or shall appear at the hearing to show that such nuisance does not exist or does not endanger the health of trees in the Village, the Forester shall cause the abatement thereof at the expense of the property served. If the owner cannot be found, such notice shall be given by publication in a newspaper of general circulation in the Village.
  - b. If, after hearing held pursuant to this Subsection, it shall be determined by the Village Board that a public nuisance exists, it shall forthwith order the immediate abatement thereof. Unless the property owner abates the nuisance as directed within five (5) days after such hearing, the Forester shall proceed to abate the nuisance and cause the cost thereof to be assessed against the property in accordance with the procedures provided in this Section. The Forester may extend the time allowed the property owner for abatement work but not to exceed ten (10) additional days.

(d) **Treatment.**

- (1) **Action by Forester.** Whenever the Forester determines that any tree or part thereof is infected with a deleterious or fatal tree disease or is in a weakened condition, the Forester may cause all trees within a one thousand (1,000) foot radius thereto to be sprayed with an effective disease destroying concentrate or other insecticide, following prior authorization by the Village Board.
- (2) **Notice.** In order to facilitate the work and minimize the inconvenience to the public of any treatment operations conducted under this Section, the Forester shall cause to be given advance public notice of such operations by newspaper, radio, television, public service announcements or other effective means and shall also cause the posting of appropriate warning notices in the areas and along the streets where trees are to be treated at least twenty-four (24) hours in advance of treatment. When any residue or concentrate from municipal treatment operations can be expected to be deposited on any public street, the Forester shall also notify the Director of Public Works who shall take all necessary steps to make and enforce temporary parking and traffic regulations on such streets as conditions require. Temporary "no parking" notices shall be posted in each block of any affected street at least twenty-four (24) hours in advance of spraying operations.
- (3) **Nonliability.** When appropriate warning notices and temporary "no parking" notices have been given and posted in accordance with Subsection (b) of this Section, the Village shall not allow any claim for damages to any vehicle caused by such treatment operations.
- (4) **Treatment on Private Property.** When trees on private property are to be sprayed, the Forester shall notify the owner of such property and proceed in accordance with the requirements of Subsection (d)(3).

## **Sec. 6-5-6      Assessment of Costs of Abatement.**

- (a) **Public Property.** The entire cost of abating any public nuisance or spraying any tree, or part thereof, when done at the direction of the Forester shall be borne by the Village as to any growth, tree or shrub located upon property owned by the Village of Bristol.
- (b) **Private Property.** The cost of abating a public nuisance or treatment of diseased trees located on private property when done at the direction and under the supervision of the Forester shall be assessed to the property on which such nuisance, tree or wood is located as follows:
  - (1) The Forester shall keep a strict account of the cost of such work or treatment and the amount chargeable to each lot or parcel and shall report such work, charges, description of lands to which charged and names and addresses of the owners of such lands to the Village Board on or before October 15 of each year.

- (2) Upon receiving the Forester's report, the Village Board, or a designated standing committee thereof, shall hold a public hearing on such proposed charges, giving at least fourteen (14) days' advance notice of the time, place and purpose of such hearing to interested persons by publication in a newspaper of general circulation in the Village and by mail to the owner of each property proposed to be charged. Each property owner shall be notified of the amount proposed to be assessed against his/her premises and the work for which such charge is being made.
- (3) After such hearing, the Village Board, or a designated standing committee thereof, shall affirm, modify and affirm or disapprove such assessments by resolution and shall cause a copy thereof to be published. Upon adoption and publication of such resolution, assessments made thereby shall be deemed final.
- (4) The Village Clerk shall mail notice of the amount of such final assessment to each owner of property assessed at his/her last-known address, stating that, unless paid within thirty (30) days of the date of the notice, such assessment will be entered on the tax roll as a tax against the property, and all proceedings in relation to the collection, return and sale of property for delinquent real estate taxes shall apply to such assessment.
- (5) The Village hereby declares that, in making assessments under this Section, it is acting under its police power, and no damages shall be awarded to any owner for the destruction of any diseased or infested tree or wood or part thereof.

## Sec. 6-5-7 Planting of Trees and Shrubs.

### (a) Purpose.

- (1) **Generally.** The Village Board hereby states its determination that the planting, care and protection of the trees within the Village of Bristol is desirable for the purposes of beauty, shade, comfort, noise abatement and economic betterment, and hereby encourages all persons to assist in a program of tree planting, care and protection.
- (2) **Permit Required.** No person shall, except upon order of the Village Forester, plant, transplant, move, spray, brace, trim, prune, cut (above or below ground), disturb, bury, mulch or alter a public tree or shrub in the Village, or cause such act to be done by others, without first getting a written permit for such work from the Village Forester as herein provided.
- (3) **Exemptions.** No permit shall be required to cultivate, fertilize, perform minor cutting or pruning or watering of public trees or shrubs.
- (4) **Requirements and Conditions of Permits.** If the Village Forester determines that the proposed work or planning described in an application for a permit is necessary and in accord with the purposes of this Chapter, taking into account the safety, health and welfare of the public, location of utilities, public sidewalks, driveways and street



lights, general character of the area in which the tree or shrub is located or proposed to be located, type of soil, characteristics and physiological needs of the species or variety of trees or shrub, he/she shall issue a permit to the applicant upon presentation of the receipt of the Village Clerk showing payment of the required fee. As a condition of granting any permit to remove the public tree or shrub, the Village Forester may require that the permittee plant one (1) or more trees or shrubs in place of the one removed, and no permittee under such a conditional permit, shall fail, refuse or neglect to plant trees or shrubs of the type, size and location specified in his/her permit.

- (5) **Form, Expiration and Inspection.** Every permit shall be issued by the Village Forester on forms prepared by him/her shall include a description of the work to be done and shall specify the species or variety, size, nursery grade and location of trees or shrubs to be planted, if any. Any work done under such permit must be performed in strict accordance with the terms thereof and the provisions of this Chapter. Permits issued under this Chapter shall expire six (6) months after date of issue.
- (6) **Fee.** The fee for a permit shall be as prescribed in Section 1-3-1.
- (7) **Permits to Public Utilities.** Whenever a permit is issued under this Chapter to a public utility to move, trim, prune, cut, disturb, alter or do surgery on any public tree or shrub, the Village Forester shall limit the work to be done to the actual necessities of the utility and may assign an inspector to supervise the work done under the provisions of the permit, and the expense of such inspection or supervision shall be charged to the utility.
- (8) **House Moving Permits.** No person shall move any building, structure or object exceeding thirteen (13) feet in height or width upon, over or along any public right-of-way or other public place without first obtaining a written moving permit, if required by the Village, which may require the applicant to furnish a bond or cash deposit to cover the cost of repairing or replacing any public trees or shrubs which are injured as a result of the moving operations, specify the route to be taken and impose any other conditions reasonably necessary for the protection of nearby public trees from injury. Permits under this Chapter shall expire thirty (30) days after date of issue.
- (b) **Tree Planting Program.** The Village Board may adopt a program for tree planting, care and protection for Village parks and rights-of-ways. The Village Board shall also encourage the planting, care and protection of trees and shrubs on private premises within the Village of Bristol.
- (c) **Cottonwood and Box Elder Trees Prohibited.** No person shall plant within the Village of Bristol any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood," or any tree commonly called the seed-bearing Box Elder *Acer Negundo*, which may now or hereafter become infested with Box Elder Bugs, and such trees are hereby declared a nuisance. Any person planting any such trees on his/her premises shall

cause the same to be removed. If any owner shall fail to remove any such tree within thirty (30) days after receiving written notice from the Village Forester, the Village shall cause the removal of such tree and report the full cost thereof to the Village Clerk-Treasurer who shall place such charge upon the next tax roll as a special charge against the premises.

- (d) **Planting of Certain Trees Restricted.** Except in public parks, no person shall hereafter plant any Ash, Catalpa, Chinese Elm, White Poplar, Weeping Willow, Evergreen, Lombardy Poplar or Silver Maple tree in or upon any public street, parkway, terrace/boulevard or other public place within the Village of Bristol unless he/she shall first secure written permission from the Village Forester, who shall not approve any such planting if, in his/her opinion, said tree will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public or the operation of any sewer or water system. The Village Forester shall cause the removal of any tree planted in violation of this Subsection.
- (e) **Planting.** Planting shall be done in accordance with ANSI A300 Standards (American National Standards Institute):
  - (1)
    - a. All new street trees must be selected from a list of approved trees compiled by the Village Forester, and as prescribed in this Chapter and the Village Land Division Ordinance. No other species may be planted without the written approval of the Village Forester. New trees must be single stemmed with a minimum diameter of one and one-half (1-1/2) inches measured at six (6) inches above ground level.
    - b. The tree shall be planted in a well prepared hole at the same depth as it was originally growing.
    - c. The tree shall be kept well watered and mulched or cultivated in a two (2) foot diameter around its base to conserve moisture and as a protection from lawn mower damage.
    - d. The good health of all trees planted hereunder shall be guaranteed for one (1) year by the applicant, after which time such trees shall become the property of the Village of Bristol.
  - (2) To prevent monoculturing and inhibit the future spread of disease, trees shall be alternated. When planting, two (2) trees of the same genus must have two (2) different trees between them.
  - (3) Where required, curbs and sidewalks must be installed prior to street tree planting. Trees should be planted half way between the sidewalk and curb. No tree should be planted closer than four (4) feet to the curb.
  - (4) Trees may *not* be planted in the boulevard closer than:
    - a. Fifteen (15) feet to a utility or street lighting pole.
    - b. Five (5) feet to a driveway or alley.
    - c. Ten (10) feet to a fire hydrant, water stop box or gas shut-off. If possible, allow more distance than ten (10) feet.
    - d. Twenty-five (25) feet to the intersection of two (2) streets from either corner measured on the property line.



- e. Three (3) feet to a sidewalk.
- f. Twenty-five (25) feet to another tree. [If the other tree is an elm or other species which is damaged, injured or diseased and likely to be removed in the future, then a thirty-five (35) foot distance to the next nearest healthy tree will prevail.]
- (5) New street trees shall not be planted over an existing tree stump within two (2) years of removal unless the stump is removed to a depth of four (4) feet.
- (6) The property owner has the responsibility to locate underground utilities before digging.
- (7) Coniferous trees shall not be planted in a boulevard area or within a public right-of-way.
- (f) **Unlawfully Planted Trees.** Trees, plants or shrubs planted within any boulevard or planting easement or public right-of-way without the authorization and approval of the Forester may be removed by the Village. The Forester shall notify the abutting owner in writing, listing the unlawfully planted trees, plants or shrubs, ordering their removal, and establishing a reasonable time within which such removal shall be accomplished. In the event that removal is not to be accomplished within the time specified, the Village of Bristol may remove such trees, plants or shrubs and assess the costs thereof to the owner(s) of abutting properties.
- (g) **Frames.** Any person, adjacent to whose land any shade or ornamental tree or shrub is growing in any street, may, for the propose of protecting such tree or shrub, surround the same with a suitable box or frame for protection, but all such work shall be performed under the supervision and direction of the Village Forester.
- (h) **Acceptable Trees.** Certain plants are more suited than others to provide these benefits under various landscape conditions. The lists following provide a range of sizes and tree variety; they are not inclusive of all the better plants but are representative of them.
  - (1) ***Terrace/Boulevard Trees (mature height 30' and over).***

a. <b><i>Maple genus (Acer)</i></b>	<b><i>Fall Foliage Color</i></b>
1. Sensation Maple	Red
2. Norway Maple	Yellow
3. Crimson King Maple	Same purple
4. Crimson Sentry Maple	Same purple
5. Deborah Maple	Red
6. Emerald Lustre Maple	Yellow
7. Emerald Queen Maple	Yellow
8. Princeton Gold Maple	Yellow
9. Royal Red Maple	Same Red
10. Superform Maple	Yellow
11. Korean Maple	Yellow, orange, red
12. Red Maple (cultivars)	Scarlet or yellow
13. Autumn Spire Maple	Red

- |  |                     |
|--|---------------------|
| 14. Burgundy Belle Maple                                     | Red                 |
| 15. Northfire Maple  | Red                 |
| 16. Northwood Maple  | Orange-red          |
| 17. October Glory Maple                                      | Red                 |
| 18. Red Sunset Maple   | Red                 |
| 19. Scarlet Jewell Maple                                     | Crimson             |
| 20. Rubyfrost Maple  | Red                 |
| 21. Green Mountain Maple                                     | Orange-Scarlet      |
| 22. Black Sugar Maple  | Golden              |
| 23. Unity Maple  | Yellow, orange, red |
| 24. Autumn Blaze Maple                                       | Orange-Red          |
| 25. Sienna Glen Maple  | Burgundy-Red        |
| 26. Green Mountain Sugar Maple                               | Yellow              |
| 27. Freeman Maple  | Red                 |
| 28. Cleveland Norway Maple                                   | Red                 |
| 29. Schwedler Norway Maple                                   | Red                 |
| 30. Pacific Sunset Maple                                     | Red                 |
| 31. Totarian Maple   | Red                 |
| b. <b><i>Oak genus (Quercus)</i></b>                         |                     |
| 1. White Oak   |                     |
| 2. Swamp White Oak   |                     |
| 3. Scarlet Oak   |                     |
| 4. Bur Oak   |                     |
| 5. Heritage Oak  |                     |
| 6. Regal Prince Oak  |                     |
| 7. Chunquapin Oak  |                     |
| 8. English Oak   |                     |
| 9. Skymaster English Oak                                     |                     |
| 10. Skyrocket English Oak                                    |                     |
| 11. Northern Red Oak   |                     |
| c. <b><i>Honeylocust genus (Gleditsia)</i></b>               |                     |
| 1. Imperial Honeylocust                                      | Yellow              |
| 2. Northern Acclaim Honeylocust                              | Yellow              |
| 3. Shademaster Honeylocust                                   | Yellow-Green        |
| 4. Skyline Honeylocust                                       | Golden-Yellow       |
| 5. Sunburst Honeylocust                                      | Golden-Yellow       |
| 6. Moraine Honeylocust                                       | Yellow              |
| d. <b><i>Elm genus (Ulmus) disease resistant variety</i></b> |                     |
| 1. Accolade Elm  | Golden-Yellow       |
| 2. Cathedral Elm   | Yellow              |

- |                              |        |
|------------------------------|--------|
| 3. Princeton American Elm    | Yellow |
| 4. Valley Forge American Elm | Yellow |
| 5. Pioneer Elm               | Yellow |
| 6. Regal Elm                 | Yellow |
| 7. Discovery Elm             | Yellow |
| 8. Homestead Elm             | Yellow |
| 9. Vanguard Elm              | Same   |

e. *Miscellaneous genus*

- |   |               |
|---|---------------|
| 1. Ohio Buckeye (Aesculus)              | Orange-Brown  |
| 2. Common Hackberry (Celtis)            | Yellow        |
| 3. Autumn Gold Ginkgo (Ginkgo)          | Yellow        |
| 4. Kentucky Coffeetree (Gymnocladus)    | Yellow        |
| 5. Common Hackberry (Celtis)(cultivars) | Yellow        |
| 6. Cucumbertree Magnolia (Magnolia)     | Green-Brown   |
| 7. Merrill Magnolia (Magnolia)          | Same          |
| 8. Ironwood (Ostrya)                    | Golden-Yellow |
| 9. Littleleaf Linden (Tilia)            | Yellow        |
| 10. Shademaster Amur Cork Tree          | Yellow        |
| 11. Macho Amur Cork Tree                | Yellow        |
| 12. Golden Rain Tree                    | Yellow        |
| 13. American Hornbeam                   | Yellow        |
| 14. European Hornbeam                   | Yellow        |
| 15. Sterling Silver Linden (Tilia)      | Yellow        |

(2) **Trees for under utilities (mature height under 30')**

a. *Miscellaneous genus*

- |   |                           |
|---|---------------------------|
|   | <i>Fall Foliage Color</i> |
| 1. State Street Maple (Acer)                      | Yellow                    |
| 2. Hot Wings Maple (Acer)                         | Yellow, Red               |
| 3. Pacific Sunset Maple (Acer)                    | Orange, Red               |
| 4. Autumn Brilliance Serviceberry (Amelanchier)   | Red-Orange                |
| 5. Dura Heat River Birch (Betula)                 | Yellow                    |
| 6. Blue Beech (Carpinus)                          | Orange, Red               |
| 7. MN Strain Redbud (Cercis)                      | Yellow                    |
| 8. White Fringetree (Chionanthus)                 | Yellow                    |
| 9. Pagoda Dogwood (Cornus)                        | Red                       |
| 10. Satomi Dogwood (Cornus)                       | Purple-Red                |
| 11. Golden Glory Corneliancherry Dogwood (Cornus) | Same                      |
| 12. Thornless Cockspur Hawthorn (Crataegus)       | Orange                    |
| 13. Crimson Cloud Hawthorn (Crataegus)            | Same                      |
| 14. Butterflies Magnolia (Magnolia)               | Same                      |
| 15. Japanese Tree Lilac (Syringa)                 | Same                      |

- |  |                                  |
|--|----------------------------------|
| 16. Ivory Silk Lilac ( <i>Syringa</i> )                                | Same                             |
| 17. Miss Kim Lilac ( <i>Syringa</i> )                                  | Same                             |
| b. <b><i>Crabapple genus (Malus) Fruit &lt;5/8"</i></b>                | <b><i>Flower Color</i></b>       |
| 1. Adams Crab  | Pink                             |
| 2. Adirondack Crab   | White, Pink                      |
| 3. Anne E Crabapple  | Pink, White                      |
| 4. Cardinal Crab   | Red                              |
| 5. Centurion Crab  | Rose-Red                         |
| 6. Donald Wyman Crab   | White                            |
| 7. Harvest Gold Crab   | White                            |
| 8. Hopa Crab   | Pink, White                      |
| 9. Indian Magic Crab   | Red, Pink                        |
| 10. Louisa Crab  | Pink                             |
| 11. Madonna Crab   | White                            |
| 12. Pink Spires Crab   | Lavender-Pink                    |
| 13. Prairifire Crab  | Purple-Red                       |
| 14. Profusion Crab   | Purple, Pink                     |
| 15. Purple Prince Crab   | Red                              |
| 16. Robinson Crab  | Pink                             |
| 17. Royal Raindrops Crabapple  | Pink                             |
| 18. Spring Bride Crabapple   | White                            |
| 19. Sugar Tyme Crab  | Pink-White                       |
| 20. Thunderchild Crab  | Pink                             |
| c. <b><i>Plum genus (Prunus)</i></b>                                   |                                  |
| 1. American Plum   | White                            |
| 2. Newport Plum  | Pink                             |
| 3. Amur Chokecherry  | White                            |
| 4. Princess Kay Plum   | White                            |
| 5. Redleaf May Day Tree  | White                            |
| 6. May Day Tree  | White                            |
| 7. Chokecherry   | White                            |
| 8. Canada Red Cherry   | White                            |
| 9. Canada Red Select Cherry  | White                            |
| d. <b><i>Miscellaneous</i></b>   |                                  |
| 1. Flowering Autumn Blaze Pear   | Red                              |
| 2. Flowering Chanticleer Pear  | Red                              |
| 3. Flowering Red Spire Pear  | Red                              |
| 4. Yellowwood  | Yellow                           |
| (3) <b><i>Trees for Parks in Addition to Species Listed Above.</i></b> |                                  |
| a. <b><i>Miscellaneous genus</i></b>                                   | <b><i>Fall Foliage Color</i></b> |
| 1. Young's Weeping Birch ( <i>Betula</i> )                             | Yellow                           |

2. American Larch (Larix)	Yellow Camelot
3. Candymint Crab (Malus)	Pink
4. Coralburst Crab (Malus)	Pink, Red
5. Firebird Crab (Malus)	White
6. Willow all specias (Salix)	Yellowe
7. Balsam Fir (Abies)	Evergreend
8. Norway Spruce (Picea)	Evergreen
9. Black Hills Spruce (Picea)	Evergreen
10. Colorado Blue Spruce (Picea)	Evergreen
11. White Pine (Pinus)	Evergreen

### **Sec. 6-5-8      Trimming.**

- (a) All trimming shall be done in accordance with ANSI 300 Standards.
- (b) Prior to major trimming activity involving a public tree, the permit requirements of Section 6-5-7(a) shall be complied with. Any person growing a tree, plant or shrub on any private property abutting on public streets or public places shall:
  - (1) Trim them so as not to be a hazard to persons using the streets or to interfere with the proper lighting of the streets.
  - (2) Treat or remove any tree, plant or shrub which the Village Forester shall determine is diseased or insect-ridden or a hazard to persons using the streets or sidewalks.
  - (3) Remove and refrain from planting any tree, plant or shrub designated by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published in its regulations to be a host or carrier of a dangerous plant disease or insect pest.
- (c) Trees and shrubs standing in or upon any private property adjacent to any public area shall be kept trimmed by their owner (or adjacent property owner) so that the lowest branches projecting over the public street or alley provide a clearance of not less than fourteen (14) feet. The Village Forester may waive the provisions of this Section for newly planted trees if determined that they do not interfere with public travel, obstruct the light of any street light or endanger public safety.
- (d) The necessity of the pruning may be determined by the Village Forester.
- (e) Clearance from sidewalk to lower branches shall not be less than seven (7) feet. All trees standing upon private property in the Village, the branches of which extend over the line of the street, shall be trimmed so that no branch shall grow or hang over the line of the sidewalk lower than seven (7) feet above the level of the sidewalk. No tree shall be permitted to grow in such a manner as to obstruct the proper diffusion of light from any public lamp.
- (f) Trimming or pruning of more than two-thirds (2/3) of the crown shall be considered to be a major alteration and shall require authorization from the Village Forester.

### **Sec. 6-5-9      Trees and Shrubbery Obstructing View at Intersection or View of Traffic Signs.**

- (a) Notwithstanding any other provision of this Chapter, no person shall maintain, plant or permit to remain on any private or public property situated at the intersection of two (2) or more streets or alleys in the Village of Bristol any hedge, tree, shrub or other growth which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- (b) It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign or driveway approach to a street in the Village of Bristol. It shall be the duty of every owner of such tree, bush, shrubbery or vegetation to remove such obstruction.
- (c) Any shrub, tree or other plant which obstructs the view at an intersection or the view of a traffic sign shall be deemed to be dangerous to public travel and the Village Forester may order, by written notice, the owner or occupant of any private place or property on which there stands a tree or shrub which unreasonably interferes with or encroaches upon the street or sidewalk, to take such steps as are necessary to remove such interference. If such owner or occupant fails, within ten (10) days of receipt of notice, to take such necessary steps, the Village Forester and/or other Village employees shall order the Village employees to remove the interference. The cost of removing the interference shall be levied and collected as a special tax upon the property upon which or in front of which such tree or shrub stands.
- (d) Any person who is an owner or occupant or firm or corporation failing to obey the written notice of the Village Forester as specified in Subsection (c) above shall, upon conviction thereof, be subject to a forfeiture as established in Section 1-1-6 of this Code of Ordinances.

*Cross-Reference:* Section 6-3-4

### **Sec. 6-5-10      Prohibited Acts.**

- (a) **Damage to Public Trees.** No person shall, without the consent of the owner in the case of a private tree or shrub, or without written permits from the Village Forester in the case of a boulevard-area tree, public tree or shrub, perform or cause to be performed by others any of the following acts:
  - (1) Secure, fasten or run any rope, wire sign, unprotected electrical installation or other device or material to, around or through a tree or shrub.
  - (2) Break, injure, mutilate, deface, kill or destroy any tree or shrub or permit any fire to burn where it will injure any tree or shrub.



- (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon or about any tree or shrub or place cement or other solid substance around the base of the same.
- (4) Remove any guard, stake or other device or material intended for the protection of a public tree or shrub, or close or obstruct any open space about the base of a public tree or shrub designed to permit access of air, water and fertilizer.
- (5) Attach any sign, poster, notice or other object on any tree, or fasten any guy wire, cable, rope, nails, screws or other device to any tree; except that the Village may tie temporary signs to trees when necessary in conjunction with street improvement work, tree maintenance work or parades.
- (6) Cause or encourage any fire or burning near or around any tree.
- (7) Top or make topping cuts on any public tree.
- (b) **Excavations.** All trees on any parkway, boulevard or other publicly owned property near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work as to prevent any injury to said trees. No person shall excavate any ditches, tunnels or trenches, or install pavement within a radius of ten (10) feet from any public tree without a permit from the Village Forester.
- (c) **Interference With Forester.** No person shall:
  - (1) Interfere with or prevent any acts of the Forester or his/her agents or employees while they are engaged in the performance of duties imposed by this Section.
  - (2) Refuse to permit the Forester or his/her duly authorized representative to enter upon his/her premises at reasonable times to exercise the duties imposed by this Section.
- (d) **Refusal to Abate Nuisance.** No person shall permit any public nuisance to remain on any premises owned or controlled by him/her when ordered by the Village Forester to abate such nuisance.

## **Sec. 6-5-11 Appeal from Determinations or Orders.**

Any person who receives a determination or order under this Chapter from the Village Forester and objects to all or any part thereof shall have the right to appeal such determination or order, subject to the provisions of Title 4 of this Code of Ordinances and Chapter 68, Wis. Stats., to the Village Board within seven (7) days of receipt of the order and the Village Board shall hear such appeal within thirty (30) days of receipt of written notice of the appeal. After such hearing, the Village Board may reverse, affirm or modify the order or determination appealed from and the grounds for its decision shall be stated in writing. The Village Board shall, by letter, notify the party appealing the order or determination of its decision within ten (10) days after the hearing has been concluded. The Village Board shall file its written decision with the Village Clerk.

**Sec. 6-5-12 Adoption of State Statutes.**

Sections 27.09 and 86.03, Wis. Stats., are hereby adopted and incorporated herein by reference.

*State Law Reference:* Sections 27.09 and 86.03, Wis. Stats.