

CHAPTER 7

TRAFFIC, STREETS AND SIDEWALKS

TRAFFIC CODE

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**7.01 STATE TRAFFIC LAWS ADOPTED.** Except as otherwise specifically provided in this Code, the current and future statutory provision of Section 110.75 and Chapters 340 to 349 and Chapter 350, Wisconsin Statutes, and Trans 305 of the Wisconsin Administrative Code describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a term of imprisonment, are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute or Administrative Code incorporated herein by reference is required or prohibited by this Section. Any future additions, amendments, revisions or modifications of the current or future statutes incorporated herein or of Trans 305 of the Wisconsin Administrative Code are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

**7.02 ERECTION OF OFFICIAL TRAFFIC SIGNS AND SIGNALS.**

(1) OFFICIAL TRAFFIC MAP.

(A) Official Traffic Map Established. There is hereby established an Official Traffic Map for the Village of Sussex which may indicate some of the no parking areas, restricted parking areas, stop signs, arterial intersections, yield signs, and other restrictions or limitations contained in this code, as from time to time amended or modified by the Village Board when the laws of the State of Wisconsin require the erection or use of official traffic control devices to enforce such restrictions or limitations.

(B) Violations Prohibited. When official traffic control devices giving notice of the restrictions, prohibitions and limitations shown on the Official Traffic Map are erected and maintained in accordance with the provisions of this section a violation of the restriction, prohibition or limitation shown on the Official Traffic Map shall be a violation of the provisions of this code. Nothing herein shall be interpreted to require that all signs be shown on the Official Traffic Map, or to exempt compliance with applicable laws in the event the actual signage is not reflected in the Official Traffic Map.

(C) Map to be Maintained. A copy of the Official Traffic Map shall be maintained and displayed in the office of the Village Clerk.

(D) Additions to Map. The Village Board may from time to time make additions to or deletions from the Official Traffic Map by resolution and the Village Engineer or designated representative shall keep such Official Traffic Map current.

(E) The Village Administrator or designee shall procure, erect and maintain appropriate standard traffic signs, signals and markings conforming to the rules of the State Department of transportation giving notice of the provisions of s. 346.57, 346.58, and 346.59, Wis. Stats., and s. 7.04 of this chapter. Nothing herein shall be interpreted to restrict the locations where signs may be placed to only those places depicted on the Official Traffic Map. Signs shall be erected in such locations and manner as to give adequate warning to users of the street, alley or highway in question.

(2) HEAVY TRAFFIC SIGNAGE. The heavy traffic route shall be as set forth in Section 7.14.

**7.03 PARKING LIMITATIONS ON VEHICLES DISPLAYED FOR SALE.**

(1) DEFINITIONS. For purposes of this section, the following terms shall be defined as follows:

(A) Vehicle. A vehicle shall mean every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including but not limited to: car, truck, van,

motorcycle, bicycle, trailer, commercial/industrial truck, commercial/industrial trailer, commercial/industrial equipment, snowmobile, all-terrain vehicle, recreational vehicle, boat, and jet-ski.

(B) Display for sale. To display for sale shall mean the placement of any written message, sign or other communication which gives notice that the vehicle is being offered for sale on or near a vehicle.

(2) PROHIBITION. No owner, person, firm, partnership or corporations, nor any officer, member, agent, servant, or employee of any firm partnership, or corporation, or operator shall stop, park, or leave standing any vehicle that is displayed for sale at any of the following places at any time (subject to the exceptions noted below):

(A) On any portion of a public street or public parking lot in a commercial or industrial district.

(B) In any private parking lot, parking area, driveway, or other off-street location in a commercial or industrial district, if the vehicle can be seen from a public street.

(3) EXCEPTIONS. The prohibitions of Section (2) are subject to the following exceptions:

(A) A vehicle that is displayed for sale may be parked in a public or private parking lot, parking area, driveway, or other off-street location during the hours that the owner of the vehicle is actually working on the premises where the vehicle is parked.

(B) A vehicle that is displayed for sale may be stopped or left standing for the purpose of and while actually engaged loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic.

(C) A vehicle may be displayed for sale by a business on a business premises, where the business is permitted and approved under the Village of Sussex Zoning Code and is devoted to sales of such vehicles. This exception is limited to the sale of cars by car dealerships on car dealership property; the sale of boats by boat dealerships on boat dealership property; and strictly similar business displays for sale.

#### **7.04 PARKING LIMITATIONS.**

(1) NO PARKING. When signs are erected in any block giving notice thereof, no person shall at any time park a vehicle upon those streets or portions of streets in accordance with the Official Traffic Map. Said signs shall be placed, erected and maintained pursuant to Section 7.02 of this Code.

(2) PARKING LIMITS. When signs are erected in any block giving notice thereof, no person shall park a vehicle for longer than the period of time hereinafter specified on such signs at any time of day except Sundays and holidays during the periods of time so specified.

(3) WINTER OVERNIGHT PARKING PROHIBITED. No person shall park any vehicle on a public roadway for a period of time longer than 30 minutes between 2:00 A.M. and 6:00 A.M. of any day from November 1 through March 31, except under any of the following conditions:

(A) Emergency Vehicles and first responder's vehicles during an emergency response and for the purposes of responding to the emergency.

(B) Under Permission granted by the Waukesha County Sheriff's Department for a specific event or purpose with a limited duration and in strict compliance with the conditions of approval so

granted.

(C) In Compliance with any signage placed, erected and maintained pursuant to Section 7.02 of this Code, which specifically modifies Winter Overnight Park Conditions for a particular zone.

(4) OTHER VEHICLE PARKING PROHIBITED. No person shall park a semi truck, commercial trailer, bus, other vehicle of a commercial or industrial nature or vehicular equipment of a commercial or industrial nature on any street in any zoning district which permits 1, 2 or multi-family dwellings as a permitted use for a period of time longer than thirty (30) minutes, except when:

(A) Prior permission has been granted by the Village of Sussex. This prior permission may be granted for only a maximum of one (1) day parking per month allowed under this condition and this prior permission may be granted for emergency purposes only.

(B) Vehicles are parked for the sole purpose of, and while actually engaged in, loading or unloading or in receiving or discharging passengers, and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency.

(5) VILLAGE OWNED/LEASED PARKING AREAS. No person shall park any vehicle on any Village owned or leased areas designated for public parking from the hours of 10:00 p.m. through 6:00 a.m. except:

(A) Tenants of apartment complexes that the Village leases the parking area from.

(B) Employees and Contract Employees of the Village of Sussex who are working during the designated hours.

(C) Members of the National Guard who are on duty.

(6) AUTHORITY TO REGULATE THE STOPPING, STANDING OR PARKING OF VEHICLES. Pursuant to Sec. 349.13, Wis. Stats., the authority to regulate the stopping, standing or parking of vehicles within the Village is delegated to the Director of Police Services, subject to the control of the Village Board.

(7) OTHER RESTRICTIONS ON PARKING AND STOPPING. Pursuant to §346.55(3) and (4), Wis. Stats., the authority to regulate the stopping or parking of motor vehicles on private property within the Village is delegated to the Director of Police Services, subject to the control of the Village Board.

(8) STOPPING, STANDING OR PARKING PROHIBITED IN PARKING SPACES RESERVED FOR VEHICLES DISPLAYING SPECIAL REGISTRATION PLATES OR SPECIAL IDENTIFICATION CARDS. Pursuant to §346.505(21)(a-c), Wis. Stats., the authority to regulate the stopping, standing or parking in parking spaces reserved for vehicles displaying special registration plates or special identification cards within the Village is delegated to the Director of Police Services, subject to the control of the Village Board.

#### **7.05 SNOW EMERGENCY: PARKING, ETC.**

(1) GENERAL RESTRICTIONS. No owner, person, firm, partnership or corporation nor any officer, member, agent, servant, employee of any firm, partnership or corporation or operator of any vehicle or any device in, upon or by which any person or property is or may be transported or drawn upon a public highway to park, stop, leave standing, or suffer any such vehicle or device at the curb, shoulder, or edge of any highway area, roadway or fire lane or part thereof in the Village designated as an emergency thoroughfare, during a driving snowstorm or immediately thereafter until the entire thoroughfare has been cleared of snow.

(2) DEFINITIONS.

(A) A "Snowstorm" shall mean a driving snowstorm accompanied by moderate to heavy snow

falling at a minimum rate of one inch per hour and accumulating to at least four inches or more, which is accompanied by a strong wind in excess of 25 miles per hour, or driving snow in such a manner as to produce a congestion of traffic or impede the operation of emergency vehicles.

(B) "Emergency Vehicles" shall include police squad cars, firefighting apparatus, ambulances, rescue squad cars, snow equipment and machinery, and any other emergency vehicles.

(C) An "Emergency Thoroughfare" is any street, roadway, highway area, alley or fire lane or part thereof which may be used by an emergency vehicle.

(3) **DECLARATION OF EMERGENCY.** It shall be the duty of the Village Administrator or their designee, to declare a state of public emergency and the duration thereof and designate emergency thoroughfares by public proclamation after first giving notice thereof to the Village of Sussex Police and Fire Departments. The proclamation may be made through the medium of radio, television, placards, or other public means of communication.

(4) **REMOVAL OF VEHICLES.** The Village Administrator or their designee may remove or may contract for such removal with any garage person, service person, person, firm or corporation any vehicle which creates an emergency situation by interfering with the operation of any snow removal equipment or any other emergency vehicle after first attempting to give notice to the owner of said vehicle that the same must be removed. The cost of removing such vehicle may be charged to the owner or the operator thereof as outlined in this chapter.

**7.06 ADVERTISING.** No person shall park in any street any vehicle for the primary purpose of advertising.

**7.07 BARRIERS ACROSS STREETS FOR PLAY PURPOSES.** The Village Board may cause streets that are not a part of any federal, state or county trunk highway system, to be set aside for the safety of children in coasting or other play activities, and may obstruct and barricade such streets for such period of time and in such manner as shall most safeguard the children from accidents. The Village Board shall erect and maintain thereon barriers or barricades, lights or warning signs therefor and shall not be liable for any damage caused thereby.

**7.08 BICYCLES.**

(1) **EQUIPMENT.** No person shall propel, ride or operate a bicycle upon the streets or public ways of the Village unless such bicycle shall comply with requirements of §347.489 Wis. Stats., adopted and made a part hereof by reference as it relates to the equipment of bicycles. No person may operate a bicycle upon a highway, sidewalk, bicycle lane or bicycle way during hours of darkness unless the bicycle is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least 500 feet to the front of the bicycle. A bicycle shall also be equipped with a red reflector that has a diameter of at least 2 inches of surface area on the rear so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on an automobile. A lamp emitting a red or flashing amber light visible from a distance of 500 feet to the rear may be used in addition to but not in lieu of the red reflector. Such bicycle shall have brakes, either coaster brakes or caliper brakes in good working order. Coaster brakes shall be capable of making the rear wheel skid on dry pavement.

(2) **RULES OF OPERATION.** No person shall propel, operate or ride upon a bicycle on any street or public way in the Village except in compliance with the following regulations. Persons riding bicycles upon a roadway may ride 2 abreast if such operation does not impede the normal and reasonable movement of traffic. Bicycle operators riding 2 abreast on a 2-lane or more roadway shall ride within a single lane. All

bicycle riders shall obey all traffic regulations that apply to automobiles. Every bicycle shall be ridden within 3 feet of the right side of the unobstructed traveled roadway. All bicycle riders shall use bicycle paths where provided. No bicycle rider shall operate a bicycle upon the streets where a sign is erected prohibiting bicycle traffic. The operator of a bicycle shall give such signal continuously during not less than the last 50 feet traveled before turning. A signal by the hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle. No bicycle rider shall cling to another moving vehicle. No bicycle shall carry more passengers than the bicycle has seats originally designed for carrying passengers. In addition to the operator, a bicycle otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer. The bicycle operator shall not tow any sled, coaster, person on roller skates, toy, vehicle or other apparatus on Village streets. There shall be no racing or acrobatic riding on Village streets. Every person operating a bicycle shall keep at least one hand on the handlebars and both feet on the pedals. Persons riding on the sidewalk shall yield the right-of-way to all pedestrians and is required to have a visible white light to the front during hours of darkness.

(3) REGISTRATION.

(A) Registration Required. It shall be unlawful for any person to operate a bicycle upon any street, sidewalk or alley in the Village of Sussex unless it has been licensed by and bears a current license sticker issued by the Village of Sussex or another jurisdiction.

(B) Application for Registration – Fee. Application for such registration shall be made by the owner to the Village of Sussex on forms to be provided for that purpose. The Village may require such further evidence of ownership as may be considered necessary. The Village may refuse to register any bicycle found in an unsafe mechanical condition. Such registration shall be sequentially numbered and kept on file by the Village as a public record. The fee to register a bicycle, which shall be established by resolution, shall be deposited in the Village General Fund by the Village Treasurer.

(C) Identification Tag Requirement – Penalty for Non-Registration. Immediately upon registration of the bicycle, the owner shall affix to the bicycle an identification tag sequentially numbered to correspond with the registration. No person shall operate upon the streets of the Village a bicycle without having the identification tag affixed thereto in a plainly visible position.

(D) Registration Expiration. Registration of a bicycle shall run concurrent with the ownership of the bicycle. Registration of the bicycle will expire only upon change of ownership or upon dismantling and taking the bicycle out of operation.

(E) Change of Ownership – Registration

1. Within 10 days after any bicycle registered hereunder shall have changed ownership or been dismantled and taken out of operation, the registered owner shall contact the Village by phone or in person and report the change.
2. Within 10 days after any bicycle registered hereunder changes ownership, the new owner, except bicycle distributors, must register the bicycle with the Village.

(F) Removal of Identification Tag – Penalty. No person shall remove any identification tag which is registered with the Village.

(G) Revocation of Identification Tag. The Village may cancel the identification tag if it is found that the provisions of this ordinance have been violated.

(4) PENALTIES. The Village Board determines that responsibility for compliance with all provisions of

this section shall ultimately be the responsibility of the parents and guardians of children, age 16 or younger, who violate the provisions of this section. If such a child violates the terms of this section, his parents and guardians shall be responsible for the same, and persons 17 years old or older shall be personally responsible. Any person responsible for violating the provisions of this section shall upon conviction be subject to a forfeiture not to exceed \$25.00 plus costs of prosecution; or the court may prohibit such violator from riding the bicycle for not more than 6 months and may order such violator's registration tag confiscated.

## **7.09 SNOWMOBILES.**

(1) **STATE SNOWMOBILE LAWS ADOPTED.** Except as otherwise specifically provided for in this chapter, the current and future statutory provisions in Chapter 350, Wis. Stats., describing and defining the regulations with respect to snowmobiles, exclusive of any provisions therein relating to the penalties to be imposed and exclusive of any regulations for which the statutory penalties are a term of imprisonment, is adopted by reference and hereby made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any current or future statutory incorporated herein by reference is required or prohibited by this Chapter. Any future additions, amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Chapter in order to secure uniform state wide regulation of snowmobiles within the Village of Sussex and the State of Wisconsin.

(2) **APPLICABILITY OF RULES OF THE ROAD TO SNOWMOBILES.** The operator of a snowmobile upon a roadway shall, in addition to the provisions of Chapter 350, be subject to all rules of the road previously incorporated into this Code.

(3) **OPERATION IN PARKS AND PUBLIC AREAS.** No person shall operate a snowmobile within a Village Park or on property under the control of the Park Board except on marked snowmobile trails between November 15 and April 15 each year. The rules and regulations adopted by the Park Board shall also regulate the use of snowmobiles on such properties.

(4) **PERMITTING OPERATION BY IMPROPER PERSONS PROHIBITED.** No owner or person having charge or control of a snowmobile shall authorize or permit any person to operate such snowmobile who is not permitted under State law to operate such snowmobile or who is under the influence of an intoxicant or a dangerous or narcotic drug.

(5) **WRITTEN CONSENT OF OWNER REQUIRED.** The consent required under SS 350.10(6), (11), (12) and (13), Wis. Stats., shall be written consent dated and limited to the year in which the consent is given. If the property is owned or leased by more than one person, the consent of each must be obtained.

(6) **RESTRICTION ON SNOWMOBILE OPERATION.** No person shall operate a snowmobile:

(A) Between 10:30 p.m. and 8:00 a.m.

(B) Within 500' of a dwelling, except on a trail approved by the Village Board for an organized snowmobile group.

(C) Without protective head gear.

(D) In excess of 25 m.p.h. during the hours of 8:00 a.m. to 8:00 p.m. nor in excess of 10 m.p.h. between the hours of 8:00 p.m. and 10:30 p.m.

(E) So as to race the engine or otherwise cause unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.



(F) On property owned by the Village, unless specifically authorized by the Village Board.

**7.10 ACCELERATING VEHICLES.** No driver of any vehicle shall cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel, nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise such as would be disturbing to the public peace, nor shall any driver cause any vehicle to operate in an unsafe manner.

**7.11 TURNING VEHICLES.** No driver of any vehicle in a public or private place shall cause the vehicle to spin, slide, or move in a sideways direction, by excessive and unnecessary acceleration or speed while turning the vehicle's front wheels sharply to the right or left.

**7.12 CONTROL OF "ALL-TERRAIN" AND "OFF THE ROAD" VEHICLES.**

(1) DEFINITIONS.

(A) All-terrain Vehicle. Shall have the meaning specified in Wis. Stat. § 340.01(2g), as amended from time-to-time.

(B) Off the Road Vehicle. Shall be defined as any mini-bike, trail bike, go-cart, or other similar self-propelled vehicle which is designed or adapted and commonly used for operation off the traveled portion of the public thoroughfare, irrespective of whether such vehicle is currently being used on or off the road and whether registered or non-registered. "Off the road vehicle", as used in this section, does not include any all-terrain vehicle or snowmobile, as defined in Wis. Stat. §§ 340.01(2g) and (58a) respectively, and as amended from time-to-time.

(C) Operator. A person who drives or is in actual physical control of the vehicle herein regulated.

(D) Public Thoroughfare. Shall be defined to include public road, street, alley, highway, freeway, interstate, county trunk highway or public right-of-way.

(E) Traveled Portion. Is defined as the paved or otherwise surfaced portion of the roadway and the prepared shoulder, but shall include the grass area within the statutory limits of the highways and contiguous to the traveled portion thereof.

(2) ALL-TERRAIN VEHICLE AND OFF THE ROAD VEHICLE OPERATION RESTRICTED. ALL-TERRAIN VEHICLES. The restrictions and prohibitions concerning the operation of all-terrain vehicle found in Wis. Stat. §23.33, as now or hereafter amended, are hereby adopted by reference and made a part of this section with the same force and effect as if fully set forth herein. For the purpose of this section, the definitions of words and phrases contained in Wis. Stat. § 23.33, as now or hereafter amended, are adopted by reference and made part hereof with the same force and effect as if fully set forth herein. Any violation of any provision of Wis. Stat. § 23.33, for which a forfeiture may be imposed shall constitute a violation of this section.

(A) Off The Road Vehicles:

1. Except as provided in subsections (A)2. or (A)3. below, no person shall operate any off the road vehicle:
  - a. Between 8:00 p.m. and 8:00 a.m.
  - b. Within 500 feet of a dwelling.
  - c. Without the property owner's written consent carried on the person of the operator of the off the road vehicle.
  - d. On shoulders or in drainage ditches of a public street or highway.
  - e. In excess of 25 m.p.h.
  - f. With more than one passenger.

- g. Without protective headgear.
  - h. Within established public thoroughfares.
  - i. Who is under 12 years of age.
  - j. By racing the engine or otherwise causing unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.
  - k. On Village property unless authorized by the Village Board.
2. When operated on property that is owned by the operator and/or the operator's family where the operator currently resides on such property, no off the road vehicle shall be operated:
- a. Between 8:00 p.m. and 8:00 a.m.
  - b. In excess of 25 m.p.h. in the following zoning districts:
    - i. Cr-1,
    - ii. Cr-2
    - iii. TS-1
    - iv. Rs-1,
    - v. Rs-2,
    - vi. Rs-3,
    - vii. Rs-4,
    - viii. Rd-1,
    - ix. Rd-2,
    - x. SFRD-3
    - xi. Rm-1,
    - xii. B-4
  - c. By racing the engine or otherwise causing unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others.
3. When used solely for residential yard and/or driveway maintenance activities (such as gardening, snow plowing, grass cutting, etc.) an off the road vehicle shall be exempted from the restrictions in subsections 1 and 2 above, subject to the operator's compliance with all of the following:
- a. Operator restricts the use of the "off road vehicle" to the times, duration, and purpose of the regular residential maintenance activities; and
  - b. When operating an off the road vehicle authorized for operation on the public highway, the Operator follows all rules and laws for operation on such public highway; and
  - c. The Operator does not race the engine or otherwise cause unnecessary or unusual noise that annoys disturbs, injures or endangers the comfort, health, peace or safety of others. This provision is intended to help residents maintain their property and /or their neighbor's property and shall not be construed to allow a landscape business to operate a business from a property in the Village without first obtaining necessary zoning approvals.

**7.13 FLASHING RED WARNING LIGHTS BY SCHOOL BUS OPERATORS IN A RESIDENCE OR BUSINESS DISTRICT.** Flashing red warning lights shall be used by school bus operators in a residence or business district when pupils or other authorized passengers are to be loaded or unloaded at a location at which there are no traffic signals, unless said requirement is waived in writing by the Director of Police Services. Such persons shall cross the street or highway before being loaded or after being unloaded.

## **7.14 REGULATION OF HEAVY TRAFFIC & SEASONAL AND HEAVY WEIGHT LIMITATIONS.**

(1) STATE LAWS ADOPTED - Except as otherwise specifically provided in this Code, the current and future statutory provision of Section 349.16 Granting authority to impose special or seasonal weight limitations, Section 349.17 granting authority to cities, villages and towns to regulate heavy traffic, and Trans 305 of the Wisconsin Administrative Code describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a term of imprisonment, are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any current or future statute or Administrative Code incorporated herein by reference is required or prohibited by this Section. Any future additions, amendments, revisions or modifications of the current or future statutes incorporated herein or of Trans 305 of the Wisconsin Administrative Code are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

(2) All vehicles not operating completely on pneumatic tires and all vehicles or combination of vehicles, other than motor buses, designed or used for transporting property of any nature and having a gross weight of more than 12,000 pounds are prohibited from traveling on any highway in the Village of Sussex, except as authorized by Section 349.17(1), Wis. Stats. The exemptions allowed by Wisconsin Statutes Section 349.17(1) only apply to the extent necessary for such non-traffic route travel, which is defined as the shortest roadway distance between the heavy traffic route and the applicable place of business or residence which has an entrance within the restricted weight zone.

(3) HEAVY TRAFFIC ROUTES.

(A) Main Heavy Traffic Routes. Heavy traffic may travel on these routes in any direction or combination of described highways: South Corporate Circle, North Corporate Circle, Executive Drive, Hi-Tech Drive, Miller Way, Freiheit Court, Prospect Circle, Sussex Road, Village Drive, and Clover Drive from CTH F to the Sussex Regional Wastewater Treatment Plant Driveway only.

(B) Heavy Traffic Relief Route. Heavy traffic may travel on these relief routes only in the direction as specified. In the event existing State or County Highway limits result in heavy traffic lawfully reaching a location where heavy traffic is prohibited with no relief point, the following heavy traffic relief routes are available for heavy traffic to return to a County or State Highway:

1. East bound heavy traffic on Main Street East of STH 164 may continue East on Main Street past Locust Street, but must turn South at Maple Avenue and may continue south on Maple Avenue to CTH K via southbound Maple Avenue.

(4) POLICY IN PROSECUTING WEIGHT VIOLATIONS. It is declared to be the public policy of the Village that prosecutions for heavy traffic route violations shall be instituted against the person or entity on whose behalf the vehicle is traveling in the Village, as follows. In instances where a combination of tractor and trailer or semitrailer is used, the person standing in the relationship of the principal or employer to the driver of the tractor portion of the vehicle combination is liable along with the owner. It is a violation of this ordinance for the owner or any other person employing or otherwise directing the operator of the vehicle to require or permit the operation of such vehicle upon a highway contrary to this Section 7.14. This section shall not apply to individuals, partnerships, limited liability companies or corporations whose principal business is leasing, for compensation, vehicles including trailers and semitrailers, but such prosecution shall be instituted against the Lessee of the vehicle.

(5) SPECIAL AND SEASONAL WEIGHT LIMITATIONS –The Village Director of Public Works shall have the Authority to impose special or seasonal weight limits to prevent damage to the roadway of any highway, bridge or culvert within the jurisdiction of the Village or for the safety of the users of such

highway, bridge or culvert and shall be responsible for erecting signs giving notice thereof in accordance with 349.16 and may:

(A) Impose special weight limitations on any such highway or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations;

(B) Impose special weight limitations on bridges or culverts when in his or judgment such bridge or culvert cannot safely sustain the maximum weights permitted by statute;

(C) Order the owner or operator of any vehicle being operated on a highway to suspend operation if in its judgment such vehicle is causing or likely to cause injury to such highway or is visibly injuring the permanence thereof or the public investment therein, except when Wis. Stat. s. 84.20 is applicable or when the vehicle is being operated pursuant to a contract which provides that the governmental unit will be reimbursed for any damage done to the highway. Traffic officers also may order suspension of operation under the circumstances and subject to the limitations stated in this paragraph.

### **Section 7.15 Intentionally Left blank (Reserved For Future Use)**

### **7.16 PROHIBITED OPERATION OF MOTOR VEHICLES ON THE PUBLIC THOROUGHFARES BY UNLICENSED JUVENILES.**

(1) Subject to the applicable provisions of the Wisconsin Statutes and Wisconsin Administrative Code, no unlicensed juvenile under 16 years of age shall operate any motor vehicle, whether registered or unregistered, on the public thoroughfare.

(2) DEFINITIONS. For the purposes of this section:

(A) A motor vehicle shall be defined as a vehicle which is self-propelled.

(B) Operate means driving or in actual physical control of a motor vehicle.

(C) Public Thoroughfare shall be defined to include any public road, street, alley, highway, freeway, interstate, county trunk highway or public right-of-way and shall include the grass area within the statutory limits of the public thoroughfare and contiguous to the traveled portion thereof.

**7.17 PENALTIES.** Subsections (1) and (2) were repealed by Ordinance 823.

(3) PENALTIES FOR VIOLATING SECTION 7.14 (HEAVY TRAFFIC ROUTE AND SPECIAL AND SEASONAL WEIGHT LIMITATIONS). The penalty for violating Section 7.14 (Heavy Traffic Route AND Special and Seasonal Weight Limitations) shall be determined as follows:

(A) If the weight exceeds by 1,000 pounds or less, the maximum set forth in this section, a forfeiture of not less than \$50.00 nor more than \$100.00 upon the first conviction and, upon the second and each subsequent conviction within a 12 month period, a forfeiture of not less than \$100.00 nor more than \$200.00.

(B) If the weight exceeds by more than 1,000 pounds the maximum set forth in this section, the forfeiture shall be computed according to the following schedule:

1. For the first conviction, a forfeiture of \$100 plus an amount equal to whichever of the following applies:

- a. One cent for each pound of total excess weight when the total excess is not over 2,000 pounds.
  - b. Three cents for each pound of total excess weight if the excess is over 2,000 pounds and not over 3,000 pounds.
  - c. Five cents for each pound of total excess weight if the excess is over 3,000 pounds and not over 4,000 pounds.
  - d. Eight cents for each pound of total excess weight if the excess is over 4,000 pounds and not over 5,000 pounds.
  - e. Fifteen cents for each pound of total excess weight if the excess is over 5,000 pounds.
2. For the 2nd and each subsequent conviction within a 12-month period, a forfeiture of \$200, plus an amount equal to whichever of the following applies:
- a. Two cents for each pound of total excess weight when the total excess is not over 2,000 pounds.
  - b. Five cents for each pound of total excess weight if the excess is over 2,000 pounds and not over 3,000 pounds.
  - c. Eight cents for each pound of total excess weight if the excess is over 3,000 and not over 4,000 pounds.
  - d. Twelve cents for each pound of total excess weight if the excess is over 4,000 pounds and not over 5,000 pounds.
  - e. Eighteen cents for each pound of total excess weight if the excess is over 5,000 pounds.

**Sections 7.18 to 7.48 Intentionally Left blank (Reserved For Future Use)**

**7.49 STREET CLOSURES** A permit is required before any athletic event, run, walk, parade, or other special event is held on Village streets. An application for such permit shall be filed with the Village Clerk at least 30 days prior to the event. The Village Board may grant the permit, grant the permit with conditions, or deny the permit based upon the protection of the health, safety and welfare of the Village; control of traffic and provision of security; protection for persons in and near the closed Village street; the nature of the activities to be held within the closed Village street; the extent of interference with traffic in the area; interference with fire or ambulance service in the area; interference with repairs, construction or other Village work in area; and other reasons rationally related to an articulated, legitimate public purpose. If approved, the permittee shall assume all responsibility for the use of the Village street during the approved time, which includes the right and obligation to control all access, uses, and commercial activities within the Village street right of way, but the permittee shall not exclude access to Village law enforcement or emergency services personnel and equipment.

**7.50 OFFICIAL MAP** In order to conserve and promote the public health, safety, convenience and general welfare, there is hereby adopted and established the Official Map of the Village of Sussex, Wisconsin, which consists of 2 sheets: Sheet 1 of 2 (Street Development Plan) for the area within the Village; and Sheet 2 of 2 (Street Extension Plan) for the area outside the Village over which the Village has extra-territorial jurisdiction, in accordance with ss.62.23(6), Wis. Stats. It is the further purpose of the Official Map to show the width and location of the streets, highways and parkways in order to promote the efficient and economical development of the Village.

(1) **CERTIFICATE TO BE FILED WITH THE REGISTER OF DEEDS BY VILLAGE CLERK.** The Village Clerk shall file with the Register of Deeds of Waukesha County a certificate showing that the Village has established the Official Map as described in sub. (1) and shall do likewise as to any changes or additions.

(2) VILLAGE BOARD MAY CHANGE. The Village Board, whenever and as often as it may deem it for the public interest, may change or add to the Official Map of the Village in conformity with §62.23(6)(b), Wis. Stats.

**7.51 SIDEWALKS AND CURB AND GUTTER CONSTRUCTION.**

(1) PERMIT FOR CONSTRUCTION. Any person who shall construct a sidewalk, curb or gutter in the Village shall submit an application for such construction which shall include a construction plan showing the width, thickness and slope of the proposed sidewalk, curb or gutter, and shall not commence construction until a permit for the same has been obtained from the Village Engineer or their designee.

(2) SPECIFICATIONS. Specification for the construction of sidewalk, curb and gutter in the Village shall be prepared by the Village Engineer and shall be on file at all times with the Village Clerk. The Village Engineer shall amend such specifications from time to time as conditions shall require with the approval of the Village Board.

(3) CONSTRUCTION PURSUANT TO SPECIFICATIONS. Sidewalks constructed in the Village pursuant to permit issued under this section shall comply in all respects with the specifications for curb, gutter and sidewalk on file with the Village Clerk.

**7.52 SIDEWALK REPAIR.** Sec. 66.615, Wis. Stats., shall apply.

**7.53 STREET EXCAVATIONS AND OCCUPANCY.**

(1) PERMIT REQUIRED. Before placing any stone, brick, sand, dirt, gravel, cement, lumber, plank, boards or other building material, or any barrels or mortar box or any machinery, or before excavating for the purpose of water, gas, sewer, telephone, or any other purpose upon any sidewalk, street, road or public grounds within the Village, a permit so to do shall first be obtained from the Village Engineer. The application for a permit shall include a site plan of the proposed work identifying the dimension of the excavation, measurement from the curb, if curb is present, the distance to the nearest intersection, the address of each affected land parcel and, where different, the actual address of the excavation. A copy of the permit shall be kept on the job site.

(2) FEE; MINIMUM DEPOSIT. A fee for such permit shall be paid when such permit is applied for. In addition, a deposit shall be made to the Village Clerk for each street opening permit. The fee and deposit shall be established by resolution of the Village Board from time to time.

(3) REPLACING SURFACE. Any street work requiring disruption of the street surface shall require that the street surface course be replaced with material of like kind and quality to the Village Engineer's satisfaction. All backfill from back of curb to back of curb on hard surfaced streets shall be slurry as specified by the Village Engineer. The person who has received permission to make the opening shall make the replacement. The deposit shall be returned two months after the replacement date, if the replacement is satisfactory at that time.

(4) REPLACEMENT OF SURFACES BY VILLAGE. If in the opinion of the Village Engineer such street surface courses and backfill are not properly replaced, the Village shall replace the streets and street surface courses at rates established by resolution of the Village Board.

(5) EXPIRATION OF PERMIT. Such permit shall expire at the end of a reasonable length of time, which shall be specified in the permit, and upon good cause shown, the Village Engineer may extend any such permit from time to time as may be reasonably required upon written application made to the Engineer

for that purpose.

(6) EXTENT OF PERMITTED USE. Such permit shall not authorize the use of more than 1/3 of the highway at any given time between curb lines opposite the premises of the person for whom the proposed building permit is granted or opposite the premises for which said permit is requested, and shall not authorize the placing of any such material or machinery within ten feet from the track of any railway within the Village except where the street or road or such portion of the highway may be or is occupied by double track, then such portion may be occupied as the Village Engineer may determine can be occupied with safety to the public. No such permit shall be issued where the placing of any such material or machinery or other thing upon the street, road or public ground will reasonably interfere with the public safety and convenience or where there is sufficient room for such material or machinery on the same lot or premises which is accessible from any street, alley or road, No more than 1/3 of the highway between curb lines shall in any event be occupied for the placing or storing of any such material, machinery or other thing; and no part of the sidewalk, parkway or curb shall be utilized for the placing or storage of building materials.

(7) PLACING MATERIAL; CLEANING UP AND RESTORATION. All material placed upon any street, alley or road shall be piled in a compact form and in case of permanently improved streets or roads there shall be placed a level plank floor under all brick, tile, stone or cement blocks. All accumulations of rubbish upon the sidewalk, street, alley or road shall be cleaned up every day at the close of working hours and also on the expiration of the permit or, if the work of construction is completed before the permit expires, then on the completion of the work all material and rubbish, of any kind, shall be removed and the sidewalk, street alley or road left in good condition, clean and in good repair. All areas within the right-of-way of any Village street, easement or other property shall be restored to as good or better condition than prior to the excavation. This shall include replacement of top soil, removal of spoil material, returning the area to proper grade and properly replacing vegetation with either seed or sod. Such restoration shall be done to the satisfaction of the Village Engineer.

(8) GUARDING MATERIAL AND MACHINERY. The person or persons to whom any such permit shall be granted shall cause such material or machinery placed in the street, alley or road to be properly guarded by day and each separate pile of material properly guarded by night, properly lighted by a red light in such manner as to warn all persons traveling upon the sidewalk, street, alley or road of the presence of such material or machinery.

(9) REMOVAL BY VILLAGE. If any such material or machinery shall not be removed from the street, road, alley or public ground within the time therein required, the Village Engineer shall cause such material or machinery to be removed and the cost thereof shall be charged against and collected from the owner of the premises for whose benefit such permit was issued and the person obtaining such permit shall be liable also for penalty hereinafter prescribed for violation of this section.

(10) REMOVAL UPON ORDER. Any such material or machinery or other thing placed in a street, road, alley or public grounds shall be removed upon 24 hours' notice given by the Village Engineer where such removal is necessary in order to repair, oil or otherwise improve such street, road, alley or public grounds or to lay water, sewer or other service pipes therein.

(11) APPLICATION FOR PERMIT. Application for a permit to place material, machinery or other things connected with building purposes in a street, road, alley or public ground shall be in writing and shall describe the premises by lot, block, street and street number, if any, in front of which such material, machinery or other thing connected with building purposes is desired to be placed and shall specify the character of the material for which the permit is desired.

(12) NOTICE OF INTENT TO BEGIN. Any person or corporation who had obtained a street opening

permit shall give the Village notice at the Village Hall of intent to begin excavating the day that any excavating is to begin. Failure to give notice shall constitute a violation of this code and shall be punishable as provided herein.

**7.54 OBSTRUCTIONS, EXCAVATIONS AND ENCROACHMENTS FOR ABOVE GRADE USE OF RIGHT-OF-WAY.**

(1) **AUTHORITY.** This section is adopted pursuant to the Village authority to control its right-of-ways under applicable Wisconsin laws, including, but not limited to, Wisconsin Statutes Section 61.34, 61.36, 66.0425, and 182.017.

(2) **PURPOSE AND FINDINGS.**

(A) **Purpose and Findings.** In the exercise of governmental functions the Village has priority over all other uses of the public rights-of-way. The Village desires to anticipate and minimize the number of obstructions and excavations taking place therein and to regulate the placement of facilities in the rights-of-Way to ensure that the rights-of-way remain available for public services and safe for public use. The taxpayers of the Village bear the financial burden for the upkeep of the rights-of-way and a primary cause for the early and excessive deterioration of its rights-of-way is the frequent excavation by Persons who locate facilities therein.

The Village finds with increased use of the public rights-of-way there are increased costs to the taxpayers of the Village and that these costs are likely to continue into the foreseeable future.

The Village finds occupancy and excavation of its rights-of-way causes costs to be borne by the Village and its taxpayers, including but not limited to:

1. Administrative costs associated with public right-of-way projects, such as registration, permitting, inspection and supervision, supplies and materials.
2. Management costs associated with ongoing management activities necessitated by public right-of-way users.
3. Repair or restoration costs to the roadway associated with the actual excavation into the public right-of-way.
4. Degradation costs defined as depreciation caused to the roadway in terms of decreased useful life, due to excavations into the public rights-of-way.

In response to the foregoing facts, the Village hereby enacts this ordinance relating to administration of and permits to excavate, obstruct and/or occupy the public rights-of-way which results in above grade use of the right-of-way. This ordinance imposes reasonable regulations on the placement and maintenance of above grade uses currently within its rights-of-way or to be placed therein at some future time. It is intended to complement the regulatory roles of state and federal agencies.

The purpose of this ordinance is to provide the Village a legal framework within which to regulate and manage the public rights-of-way, and to provide for recovery of the costs incurred in doing so. This ordinance provides for the health, safety and welfare of the residents of the Village as they use the right-of-way of the Village, as well as to ensure the structural integrity of the public rights-of-way.

(3) **OBSTRUCTIONS AND ENCROACHMENTS PROHIBITED.** No person shall encroach upon or obstruct or encumber any street, alley, sidewalk, public grounds or land dedicated to public use, or any part thereof, or permit such encroachment or encumbrance to be placed or remain on any public way adjoining the premises of which they are the owner or occupant, except as provided in sub. (4) and (5).

(4) **EXCEPTIONS.** The prohibition of sub. (3) shall not apply to the following:



- (A) Signs and clocks attached to buildings which project not more than 6 feet from the face of such building and which do not extend below any point 10 feet above the sidewalk.
  - (B) Awnings which do not extend below any point 7 feet above the sidewalk.
  - (C) Official signage, official traffic control devices, and utilities owned or leased by the Village.
  - (D) Goods, wares, merchandise or fixtures being loaded or unloaded which do not extend more than 3 feet on a sidewalk, provided such goods, wares, etc., do not remain thereon for more than 3 hours.
  - (E) A use permitted by an outdoor establishment permit or auxiliary use granted under Chapter 17 of the Zoning Code.
  - (F) Building materials for the period authorized by the Village Board which shall not obstruct more than 1/2 of the sidewalk or more than 1/3 of the traveled portion of the street, and which do not interfere with flow in the gutters.
  - (G) Mailboxes for the collection of mail from the United States Postal Service are exempted from sub if they comply with the Village's standard for mailbox dimensions and installation guidelines.
  - (H) A legally placed above grade use in existence prior to AUGUST 1, 2016.
  - (I) Above grade uses that are being established as part of a Village relocation order for a Village project; and  
are approved by the Village Engineer; and  
are less than 4 feet in height above grade; and  
no more than 8 cubic feet in size above grade.
- (5) PERMIT REQUIRED. If an encroachment, obstruction, or excavation results in the above grade use of the right-of-way then an above grade right-of-way permit from the Village is required prior to the encroachment, obstruction, or excavation being established. This standard also applies to any new encroachment, obstruction, or excavation added to either a previously approved above grade use or one that was legally placed prior to August 1, 2016.
- (A) Application requirements.
    1. An above grade right-of-way permit application shall be filed with the Village Engineer.
    2. The applicant shall pay the above grade right-of-way permit fee. The above grade right-of-way permit fee shall be in the amount as established by Resolution of the Village Board, and may be amended from time to time. In addition a professional fee charge back agreement shall be signed to ensure compliance with Village Ordinance that professional fees incurred by the Village to review said applications are not paid by the taxpayer, but by the applicant seeking special review and benefit.
    3. The applicant shall provide a detailed plan with structural engineering, scale drawings, visual rendering, and survey showing the exact location, size, appurtenances and or attachments of the equipment or structure to be placed in the right-of-way, along with the exact location of all streets, sidewalks, utilities, trees, and any other obstructions in the vicinity of the proposed installation, and the location of structures on abutting properties.
    4. The applicant shall provide a detailed report describing potential hazards to the

public from said equipment, structure, and impacts due to location on safety for the driving public, pedestrians, and owners and users of adjacent property for such things as, but not limited to; fall zone, fire, explosion, chemical, environmental impacts, and vehicle crash impacts. Said report shall indicate the risk of the safety hazard and the proposed design element to address said safety hazard. The Village Engineer may require the applicant's report to be provided by a structural engineer or other expert approved by the Village Engineer, if the Village Engineer deems it to be necessary to have such an expert opinion in light of the circumstances of the application, for the protection of public health and safety, in which case the applicant shall provide such an opinion at the applicant's cost.

5. The plan must show how the installation and maintenance of said above grade right-of-way use will not impact snow or grass removal from the terrace, sidewalk or street, or conflict with the operation or maintenance of vehicular travel and existing utilities above or below ground.
6. An alternatives analysis shall be provided to show what options other than locating above grade in the right-of-way exists and the approximate costs of such alternatives.

(B) Application process.

1. The application shall be submitted for review by the Village Engineer, and shall include all information required by applicable laws. The application shall be subject to a completeness determination within the time required by applicable laws.
2. The Village Board shall hold a public hearing as reasonably soon as possible after application materials have been deemed complete by the Village Engineer and proper notification period for a class 1 notice and notice to all properties within 200 feet of the proposed installation.
3. The Village Board shall give consideration to the application, the testimony received at the public hearing, staff and expert reports, or other information as the Village Board determines appropriate, as follows.
  - a. The Village Board shall consider public safety, alternative options, and the public good when considering an above grade right-of-way permit.
  - b. All users of the Village right-of-way shall comply with the following aesthetic standards:
    - i. In areas where facilities are currently nonexistent or underground, undergrounding is required.
    - ii. No new above ground structures, including co-locations on existing structures, shall be placed within 500 feet of historic structures or historic districts designated by the National Register of Historic Places in Wisconsin or listed on the State Register of Historic Places. The 500-foot separation is waived for installations that are completely concealed from view, or are not visible from locations where the historic structure can be observed.
    - iii. Attachments to existing structures shall be designed to be flush with the existing structure as much as can reasonably be done, shall be a color that matches the existing structure and shall be the smallest size possible to reasonably accommodate the intended purpose. If the structure to which the attachment is made changes color due to repainting, resurfacing or other means, the attachment shall be modified to match the new color.
    - iv. Any party objecting to the requirements of this Subsection b. shall have

an opportunity to demonstrate that the requirement constitutes an effective prohibition in violation of State or Federal law, in an appeal made pursuant to Subsection 11.

- c. The Village Board may grant the permit, grant the permit with conditions, or deny the permit. If the application is denied, the applicant must be provided a written documentation explaining the basis for the denial.

- 4. **RIGHT-OF-WAY RESTORATION.** The work to be done under the permit, and the repair and restoration of the right-of-way as required herein must be completed within the dates specified in the permit to the satisfaction of the Village Engineer. In addition to repairing its own work, the permittee must restore the general area of the work, and the surrounding areas, including the paving and its foundations, to the same condition that existed before the commencement of the work and must inspect the area of the work and use reasonable care to maintain the same condition for thirty-six (36) months thereafter.

The permittee shall perform repairs and restorations according to the standards and with the materials specified by the village engineer. The village engineer shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis. The village engineer in exercising this authority shall be guided by the following standards and considerations:

- a. The number, size, depth and duration of the excavations, disruptions or damage to the right-of-way.
- b. The traffic volume carried by the right-of-way.
- c. The character of the neighborhood surrounding the right-of-way; the pre-excavation condition of the right-of-way.
- d. The remaining life-expectancy of the right-of-way affected by the excavation.
- e. Whether the relative cost of the method of restoration to the permittee is in reasonable balance with the prevention of an accelerated depreciation of the right-of-way that would otherwise result from the excavation, disturbance or damage to the right-of-way.
- f. The likelihood that the particular method of restoration would be effective in slowing the depreciation of the right-of-way that would otherwise take place.

Methods of restoration may include, but are not limited to, patching, replacement of the right-of-way base, restoration of landscaping, and milling and overlay of the entire area of the right-of-way affected by the work. During this thirty-six (36) month period, it shall, upon notification from the Village Engineer, correct all restoration work to the extent necessary using the method required by the Village Engineer. Said work shall be completed within five (5) calendar days of the receipt of the notice from the Village Engineer.

If the permittee fails to restore the right-of-way in the manner and to the condition required by the Village Engineer, or fails to satisfactorily and timely complete all repairs required by the Village Engineer, the Village Engineer, at his or her option, may do such work. In that event, the permittee shall pay to the Village, within thirty (30) days of billing, the cost of restoring the right-of-way.

- 5. **BOND.** Prior to commencing the work, any permittee performing work within the

right-of-way shall post a financial guarantee in an amount approved by the Village Engineer and in a form approved by the Village Attorney, provided that the limitations of Wisconsin Statutes Section 66.0425(2) shall apply as applicable. If, thirty-six (36) months after completion of the restoration of the right-of-way, the Village Engineer determines that the right-of-way has been properly restored, the surety on the performance bond shall be released.

6. INDEMNIFICATION AGREEMENT. Before any person, entity, or utility commences work pursuant to this section, such person, entity or utility shall file an agreement with the Village Clerk to hold the Village harmless, indemnify, and defend the Village from and against any and all injury and damage of any kind caused or occurring as a result of such work. The agreement shall be in a form approved by the Village Attorney, and shall have continuing effect during the course of such work and for all time that the obstruction or facilities or installation remain within the right-of-way, and thereafter until such obstruction is removed and the site is fully restored to the satisfaction of the Village Engineer.
7. RESERVATION OF RIGHTS. The Village retains all rights in Village right-of-way. The grant of a right-of-way permit per this section does not constitute a waiver of any Village rights and remedies regarding ongoing compliance obligations toward such installations. All persons, entities and utilities installing obstructions, encroachments or conducting excavation in Village right-of-way shall remove or relocate the obstruction, encroachment or excavation upon 10 day notice, except as otherwise provided by law.
8. COMPENSATION. The Village may require payment of compensation, in an amount determined by the Village Board, for the grant of any permit pursuant to this section, provided that compensation for more than applicable fees and cost recovery shall not be required of utilities that have the right to use the right-of-way by Wisconsin Statutes Section 182.017(1r).
9. Timeline deadlines in this process may be waived by written mutual agreement of the applicant and the Village.
10. Administrative Decision appeals may be made under Chapter 24 of the Municipal Code of the Village of Sussex.
11. Approval of a permit pursuant to this section does not waive the requirement to comply with all other applicable laws and ordinances. All applicable federal, State, Waukesha County, and Village of Sussex codes, statutes, regulations, administrative rules, ordinances and other laws must be followed.

#### **7.55 SIDEWALKS; KEEPING CLEAN; SNOW AND ICE REMOVAL.**

(1) Every owner, occupant, agent or person in charge of any premises, improved or vacant, within the Village which abuts upon any sidewalk shall keep the same free from rubbish, dirt, filth of any kind and snow and ice. Any owner, occupant or agent, or person in charge of any premises, improved or unimproved, who shall neglect for 24 hours after any rubbish, dirt or filth of any kind, or snow or ice had been deposited or formed upon the sidewalk upon which such premises abut, to remove the same shall be guilty of a violation of this section.

(2) The Village shall keep the sidewalks in the Village clear of snow and ice and in all cases where the owner or occupant of a lot or parcel abutting upon a sidewalk fails to keep such sidewalk clear of snow and ice as required in sub. (1), the expense of clearing such snow or ice from the sidewalk in front of and along the sides of corner lots or parcels of lands of any such lot or parcel of land, shall be a lien thereon and the Village shall keep an account of such expense and shall enter the account therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against said lot or parcel of land, and the same

shall be collected in all respects like other Village taxes upon real estate, and no lot or parcel of land in the Village shall be exempt from the payment thereof.

**7.56 PUBLIC STREETS; SNOW AND ICE REMOVAL.**

(1) No person, firm or corporation shall place snow or ice onto the paved portion of any public street within the Village.

(2) The Village may remove any snow or ice placed upon the paved portion of any public street within the Village, the expense of removing such snow or ice shall be a lien against the property from which the snow was placed upon the paved portion of the public street and the Village shall keep an account of such expense and shall enter the account therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other Village taxes upon real estate, and no lot or parcel of land in the Village shall be exempt from the payment thereof.

**7.57 UNIFORM HOUSE NUMBERING SYSTEM.**

(1) COUNTY SYSTEM. The uniform address system of the Village shall be based upon and become part of a uniform address system for Waukesha County. All provisions herein relating to the establishment of a uniform address system for said County are hereby approved.

(2) APPLICATION. There is hereby established a uniform system of numbering properties fronting on all streets, highways and rights-of-way in the Village, and all existing residences and places of business and all residences and places of business which are hereafter constructed shall be numbered in accordance with the provisions of this section.

(3) BASE LINES.

(A) Base lines shall be used for determining the numbering in the Village. The east-west base line shall be used for numbering along all streets running north and south. This base line shall be a continuation of the east-west line used in Milwaukee County and shall be the north or top lines of Section 31 to 36, both inclusive, in the Towns of Brookfield, Pewaukee, Delafield and Summit, Waukesha County, Wisconsin. Its numerical designation shall be "1". A north-south base line shall be used for numbering along all streets running in a westerly direction. This base line shall be on the eastern boundary of Waukesha County, and its numerical designation shall be "124".

(B) Each property north of the east-west base line and facing a street running in a northerly direction shall carry an address indicating its position west of the north-south base line and its position north of the east-west base line.

(C) Each property west of the north-south base line and facing a street running in a westerly direction shall carry an address indicating its position north of the east-west base line position west of the north-south base line.

(D) Properties on diagonal or curvilinear streets, which streets run predominately in a northerly and southerly direction, shall be numbered the same as or similar to properties on northerly or southerly streets. Properties on diagonal or curvilinear streets, which streets run predominately in an easterly and westerly direction, shall be numbered the same as or similar to properties on easterly or westerly streets. Properties on streets terminating in a cul-de-sac shall be numbered in accordance with the predominating direction of said street without regard to changes of direction.

- (E) Where the general direction of a diagonal or curvilinear street has a deviation of exactly 45 degrees, the direction of the street shall be considered as being northerly or southerly.
- (4) **CONTROL GRID.** A system of invisible rectangular blocks shall be established as a control grid in the following manner in conformity with the recommended uniform county address system:
- (A) The established section lines shall form a basis for the block system and in a westerly direction from the eastern boundary of Lisbon Township, extending through the Village, shall be divided into 10 blocks each. These individual and invisible block lines shall have numerical designations starting with "220", at the east line of the township, to "280" at the western boundary line of Lisbon Township.
- (B) In a northerly direction from the Southern boundary of Lisbon Township, extending through the Village, to the North County line each section shall be divided into 8 blocks. These invisible block lines shall have numerical designation starting with "48" on the southern boundary of Lisbon Township, and "96" at the north county line.
- (5) **ASSIGNMENT OF NUMBERS.**
- (A) One hundred numbers shall be assigned to each invisible block regardless of discrepancies in block sizes. Properties on the north and east sides of streets shall bear even numbers and properties on the south and west sides of streets shall bear odd numbers.
- (B) The number assigned to each property shall be composed of 2 parts. The first part, or street designation, shall be composed of a direction letter, "N" or "W", followed by the number of the appropriate block line.
- (C) The second part of the property number, the block and house designation, shall be composed of a directional letter followed by the number of the appropriate block line plus 2 additional digits indicating the relative position of the property in the block.
- (D) For a block which lines north of the east-west base line, the designation of the block shall be by the block line numbers of its south and its east boundary.
- (E) Properties and street intersection contained within any block shall bear numbers and directional letters related to the point of intersection of the block boundary lines stipulated in paragraph (D).
- (6) **DETERMINATION OF ASSIGNMENT POINT.** The point from which any property shall be assigned its property number shall be determined as follows:
- (A) Where land has been subdivided or platted into lots the center point of the frontage line of each parcel shall be the point of determination.
- (B) In cases of farm residences or other residences or business places situated on large acreage or away from other development, the point of determination shall be the intersection of the center line of the principal driveway with the street or highway right of way line.
- (C) The property number shall be determined and assigned by the Village Engineer.
- (7) **STREET EXTENSIONS.**
- (A) Streets which are extensions of the streets in Milwaukee County shall bear the name by which they are known in that county, accepting that directional prefixes, if any, shall be dropped. No

directional prefix shall be used on any local street.

(B) All numerical street names shall be abandoned and other names substituted.

(C) A list shall be compiled by the Village Engineer of all existing street names in the Village and no future street shall be given a name which duplicates or approximates an existing name. Cooperation shall be sought with all towns and municipalities in the county to the end that duplication of street names shall be minimized.

(D) The Village shall cooperate with neighboring towns, villages and cities to the end that streets which are continuous from one municipality or town to another municipality or town may have but one name when such single name would be desirable.

(E) The Village Board may accept or reject proposed names of new streets and, where there is clearly a conflict or duplication in existing names, may direct the changing of one or more such names so that conflict or duplication may be minimized.

(8) PLAT BOOK TO BE KEPT.

(A) For the purpose of facilitating the establishment and continuing workability of a uniform address system in the Village, there shall be prepared and kept on file in the office of the Building Inspector a plat book showing the proper addresses of all residences and places of business within the Village. The Building Inspector shall inform any person applying therefor of the number or numbers and approved street name belonging to a lot or property. In case of doubt as to the proper address belonging to any lot or property, the Plan Commission shall make the final determination.

(B) Within 30 days after the final approval of any new subdivision or other division of land, the Village Engineer shall assign addresses to each new building site. Record shall be kept of assignments and a copy shall be provided for the developer at his request.

(9) OWNER TO INSTALL NUMBER.

(A) When the Village Engineer has assigned a number to each residence and place of business, the owner, occupant or agent shall install or cause to be installed in a conspicuous place upon the premises occupied by each house or place of business occupied or controlled by them the number or numbers assigned under the uniform address system provided for by this section.

(B) Numbers shall be supplied by the Building Inspector and the owner shall pay the actual cost thereof. All residences must use numbers supplied by Village or numbers which can be easily read from a distance of 50 feet.

(10) BUILDINGS ERECTED AFTER SYSTEM INSTALLED. Whenever any residence or place of business shall be erected in the Village after the work of establishing a uniform address system has been completed, the owner at the time of obtaining a building permit shall procure the correct number and street name from the Building Inspector and within 30 days thereafter install the number on the building or premises as provided in Sub. (9).

(11) PROCEDURE IF OWNER FAILS TO COMPLY. If the owner or occupant of any residence or place of business shall neglect for a period of 30 days after written notification by the Building Inspector of the assignment of a number, to duly attach and maintain the proper number on such premises, the Building Inspector shall serve upon them a notice requiring such owner or occupant to properly number the premises. If the owner or occupant neglects to do so after service of such notice and a period of ten days elapses, they shall be deemed to have violated this section.

**7.58 PROPERTY OWNER RESPONSIBLE FOR STREETS, SIDEWALKS AND CURBS.**

(1) **PROPERTY OWNER RESPONSIBLE FOR CLEANING AND REPAIRS.** All property owners constructing new homes, remodeling, constructing any type of building, whether residential, commercial or industrial, or performing any type of grading, landscaping or digging on their property, shall be responsible for any debris, mud or materials upon, or any damages done to, Village curbs, culverts, storm sewers, ditches, sidewalks, streets or right-of-ways in the Village.

(2) **CASH BOND REQUIRED.** Any person making application for construction of a new home or building, remodeling of an existing building, or construction of, or remodeling of any commercial or industrial building, or any property owner performing any grading, landscaping or digging on their property shall, before commencing any such project, post with the Village Treasurer a refundable cash bond in an amount as established or amended from time to time by resolution of the Village Board to ensure that debris, mud or materials upon, or any damages to curbs, culverts, storm sewers, ditches, sidewalks streets or right-of-ways, is removed or repaired, if said damages or cleaning result from said property owner's project.

(3) **FORFEITURE OF BOND.** If, at any time, it appears to the Village of Sussex Administrator or designee that debris, mud or materials are found upon the road or that damage has been done to curbs, culverts, storm sewers, ditches, sidewalks, streets or right-of-ways as a result of said property owner's project, and if after notice within 24 hours, said debris, mud or materials is not removed or repaired in a satisfactory manner, the entire cash bond shall be forfeited and another cash bond of an equal amount shall be provided to the Village before the project shall continue.

(4) **DURATION OF BOND.** Said cash bond shall remain with the Village Treasurer until the Village Administrator or designee shall inspect the premises upon which the project is being performed and shall determine whether the project is completed to a stage that no further need for the bond is required and that no repairs or cleaning of curbs, ditches, culvert, storm sewers, sidewalks, streets or right-of-ways is required. If the Village Administrator or designee finds that the Village has no further need for the cash bond, he or she may then authorize the Village Treasurer to return the balance remaining of said cash bond. Interest, if any, earned upon said cash bond shall belong to the Village to defray the cost to the Village of administering this section.

(5) **UNPAID BALANCE TO BE PLACED ON TAX ROLL.** In the event that the amount of the cash bond is insufficient to cover all cleanup and/or repair costs of the Village, the said property owner shall be billed for the balance owed and if said bill remains unpaid after thirty (30) days, the charge will be placed on the tax roll as a special charge pursuant to Section 66.60(16) Wisconsin Statutes.

**7.59 DRIVER RESPONSIBLE FOR STREETS, SIDEWALKS AND CURBS.**

(1) **DRIVER RESPONSIBLE FOR CLEANING.** No driver of a motor vehicle shall deposit any debris, mud, or materials upon Village curbs, culverts, ditches, sidewalks, streets or rights-of-way in the Village unless prior authorization is received from the Village. If, at any time, debris, mud or materials are found upon Village curbs, culverts, ditches, sidewalks, streets or rights-of-way in the Village, for which prior Village authorization has not been received, the driver whose vehicle deposited such debris, mud or materials shall be responsible to immediately remove the debris, mud or materials, and clean the area in a manner that is satisfactory to the Village.

(2) **REIMBURSEMENT OF COSTS.** Any person found to be in violation of this provision in addition to any penalty imposed by the Court shall reimburse the Village for the removal of the debris, mud or materials, and the cleaning of the area, plus \$25.00 for administrative costs.



**7.60 PENALTY.** Except where specific penalties are provided herein, any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to the penalties and remedies as provided in Sec. 25.04 of this Municipal Code. The enforcement procedures of Sec. 25.04(4) shall apply to violation of this chapter or any order, rule or regulations made hereunder, in addition to such other enforcement options as may be specified herein or otherwise available to the Village.