

Chapter 12.12

OBSTRUCTION OF DITCHES, STREETS AND SIDEWALKS

Sections:

12.12.010 Obstruction of ditches bordering on town roads.

12.12.020 Obstructing streets and sidewalks prohibited.

12.12.030 Trees, shrubs and other vegetation in or affecting public rights-of-way.

12.12.040 Private driveways in town right-of-way.

12.12.010 Obstruction of ditches bordering on town roads.

A. No person shall fill or obstruct ditches alongside of town roads with any dirt or debris whatsoever.

B. No landowner abutting upon any town road shall cultivate, plow or remove soil from his land in such manner as to obstruct or fill any ditch alongside of any town road. (Prior code § 8.04)

12.12.020 Obstructing streets and sidewalks prohibited.

No person shall stand, sit, loaf or loiter, or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the town in such manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon, or to prevent or hinder free ingress to or egress from any place of business or amusement or any church, public hall or meeting place. (Prior code § 9.05)

12.12.030 Trees, shrubs and other vegetation in or affecting public rights-of-way.

A. Planting or causing to be planted on any public right-of-way trees, shrubs or other vegetation without the express written consent of the town board constitutes a public nuisance subject to abatement under this section.

B. Trees, shrubs or other vegetation which prevent persons from driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic from any traveled portion of any road or when approaching an intersection or pedestrian crosswalk are public nuisances subject to abatement under this section.

C. Tree limbs which project over and less than fourteen (14) feet above any public street or sidewalk are public nuisances subject to abatement under this section.

D. If a town officer charged with enforcing this section determines that a public nuisance as described in this section exists, he shall serve notice on the person causing or maintaining the nuisance to remove the same within thirty (30) days. If such nuisance is not removed within such thirty (30) days, the town board shall cause the nuisance to be removed. The cost of removing the nuisance by the town shall be collected as a debt from the person responsible for creating the nuisance or shall be assessed as a special tax against the property from which the nuisance was removed. (Editorially added during 2001 codification)

12.12.040 Private driveways in town right-of-way.

A. Effective November 14, 2002 , private driveways constructed of portland cement are prohibited in any town road right-of-way. Private driveways extending into the town road right-of-way shall be constructed of asphalt, gravel, or other nonprohibited material. Any private driveway extending into the town road right-of-way shall not exceed the elevation of the town road within a distance of four feet from the paved portion of the town road. It is the property owner's responsibility to determine the beginning line of the right-of-way for purposes of this section.

B. For any construction or reconstruction of a private driveway that occurs, a permit is required for the inspection of the right-of-way. Permit fee to be established by resolution. The fee must be paid prior to issuance of the permit and commencement of construction.

C. Any person who constructs a driveway contrary to this ordinance shall, upon conviction, pay a forfeiture of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). Each day the offense continues shall be a separate violation.

D. As a further remedy, the town may order any property owner of a driveway constructed contrary to subsection A or B of this section to remove the offending portion of the driveway at the property owner's sole expense within thirty (30) days after written notification. Upon noncompliance with such written order, the town may proceed to remove the offending portion of the driveway, and charge the property owner for the expense of the same. The town shall not be liable for damages to the driveway or property in the event town removal becomes necessary. In the event of nonpayment to the town, the charge may be placed on the property owner's property tax bill as a special assessment. (Ord. dated 9/27/07).