

## VILLAGE OF LITTLE CHUTE

### ORDINANCE NO. 14, SERIES OF 2011

#### AN ORDINANCE AMENDING CHAPTER 40 STREETS SIDEWALKS AND OTHER PUBLIC PLACES – ARTICLE III – SIDEWALK CONSTRUCTION, MAINTENANCE AND REPAIR – SECTION 40-66 TERRACE AREA OF THE MUNICIPAL CODE OF THE VILLAGE OF LITTLE CHUTE

**BE IT ORDAINED** by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section 1. Village of Little Chute Municipal Code, Chapter 40 Streets, Sidewalks, and Other Public Places, Article III – Sidewalk Construction, Maintenance and Repair, Section 40-66 Terrace Area is amended as follows:

Sec. 40-66. Terrace area.

- (a) *Definition.* The definition of "terrace" shall be as defined in section 40-148.
- (b) *Noxious weeds; paving.* All that part of the terrace not covered by a sidewalk shall be kept free and clear of all noxious weeds and shall not be totally hard surfaced with concrete, paver blocks, or other hard surfacing to prevent the growth of plants or grass. Terrace areas may be partially landscaped with landscape material such as paver blocks, poured-in-place concrete edging, tree rings, or similar materials to accentuate the appearance of flowers, grass or trees in the terrace. The village allows the terrace areas to be planted with annual or perennial flowers or grasses provided that all plantings are maintained at a height below three feet. Climbing plants may be placed around mail box poles provided they do not inhibit visibility from driveways and the streets. Woody vegetation, shrubs, and vegetable plants are not allowed to be planted in the terrace. Any plantings in the terrace area may be removed by the Village if it is determined that the plantings pose a safety concern or impede or restrict drainage as determined by Village personnel, or if there is a need for the Village, County, a utility company, or any other entity to excavate or conduct any type of repair, reconstruction, or construction in the terrace. Any plantings or vegetation existing in the terraces or Village street right-of-way prior to the adoption of this ordinance shall be allowed to remain in place, but shall be maintained by the adjacent property owner at a height below three-two and one half (2 ½) feet above the center line of the adjacent street except that such plantings located greater than twenty-five (25) feet from an intersecting street right-of-way or driveway opening on a Village Street without curb, gutter, and sidewalk are exempt from any height restrictions. No plantings in the terrace area shall be allowed to encroach over the curb line or sidewalk.
- (c) *Structures prohibited.* No structures such as basketball hoops, statuary, driveway entrance pillars or columns, light poles, or any other type of structures or objects are allowed to be placed in the terrace areas except custom-built mail box structures as specified in section 40-66(d).
- (d) *Custom-built mailbox structures and requirements.* Custom-built mailboxes may be installed by village property owners if the property owner obtains the required permit and right-of-way easement agreement for such construction from the department of public works and complies with all of the requirements and standards of this section. All custom-built mailboxes shall conform to the following requirements:
  - (1) The structure supporting the mailbox shall be at least 12 inches from the back of the curb and 12 inches from the edge of any existing sidewalk.
  - (2) The mailbox structure shall not exceed the dimensions of two feet in width, two feet in depth, and five feet in overall height.
  - (3) The mailbox structure shall be set on a concrete pad no larger than two feet six inches wide and shall be of sufficient thickness and depth to support the mailbox structure.

- (4) The structure shall be constructed of brick, stone, or stucco type materials approved by the department of public works. Such structures shall not consist of elements such as hand pumps, old farm plows, motorcycle or vehicle parts or other types of similar nature elements.
  - (5) No custom-built mailbox structures shall interfere with or damage underground utilities located in the terrace area such as mini-storm sewers, sewer laterals, water services, etc.
  - (6) No custom-built mailbox structures shall be erected within 30 feet of the right of way lines of any public street intersection.
  - (7) Custom-built mailbox structures are only allowed on streets with a speed limit of 25 m.p.h. or less that have curb and gutter installed. The mailboxes shall be on the same side of the street as the property owners home or business and within the side property lines extended to the street in front of the property owners residence or building.
  - (8) The local postmaster that oversees the delivery of mail to the area where the custom-built mailbox will be located shall approve and sign off on the village permit application before such application is reviewed and approved by the Village of Little Chute Department of Public Works.
  - (9) The property owner installing any custom-built mailbox shall be responsible for the total cost of construction and maintenance of such structure and shall sign a right-of-way easement agreement issued for such mailbox that totally absolves the Village of Little Chute, Outagamie County and all local utility companies from any and all financial responsibility for any damage to such structure or replacement responsibility as a result of maintaining their public facilities such as but not limited to snow plowing and removal, street sweeping, utility and/or pavement repair or upgrade, and installation or maintenance of facilities such as cable, electric lines or natural gas services.
  - (10) All custom mailboxes pre-existing within village right-of-way prior to the date of village board adoption of these custom-built mailbox requirements shall be grandfathered in place with respect to compliance with the above standards however, all owners of these pre-existing mailboxes shall be required to sign the same right-of-way easement agreement with the village to allow these mailbox structures to remain in place and these structures shall not be expanded or altered unless they are brought in compliance with all of the above requirements. any property owner who fails to sign such right-of way easement agreement presented by the village will be subject to having their mailbox structure removed by the village and the cost of such removal billed to the property owner.
- (e) In the event that there is a need for the village, county, a utility company, or any other entity to excavate or conduct any type of repair, reconstruction, or construction in the terrace, any custom-built mailbox, structures of any kind, ornamental landscaping, flowers or landscape materials may be removed by the village or other entity without the approval of the property owner and at no expense to the village or entity requiring the material or object to be removed and with no obligation to restore, reconstruct, or replace such objects or materials. The restoration of terraces in these situations by the village or other entities will be accomplished with the seeding of grass or placement of sod only and will not consist of replacing any ornamental plantings or landscape materials such as curbing, brick pavers, bark, or landscape stone.
- (f) Responsibility to maintain. Every owner of land in the village whose land abuts a terrace is required to maintain, or have maintained by his tenant, the terrace directly abutting such land as provided in this section and elsewhere in this Code. Every owner shall keep mailboxes located on a terrace free and clear of snow.

Section 2. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section 3.   Effective Date.   This Ordinance shall become effective on the date of passage and posting.

Date introduced: May 4, 2011

Approved and adopted: July 6, 2011

**VILLAGE OF LITTLE CHUTE**

By: \_\_\_\_\_  
Michael R. Vanden Berg, President

Attest: \_\_\_\_\_  
Vicki Schneider, Village Clerk