

VILLAGE OF BROOKLYN ORDINANCE CHAPTER 28
AN ORDINANCE TO AMEND SECTION 28-1,
CREATE SECTIONS 28-2 AND 28-3, AND REMOVE SECTIONS 28-21 AND 28-46
OF CHAPTER 28 OF THE
ZONING CODE OF THE VILLAGE OF BROOKLYN

THE BOARD OF TRUSTEES OF THE VILLAGE OF BROOKLYN DO ORDAIN AS FOLLOWS:

Chapter 28: Chapter 28, Streets, Sidewalks and Other Public Places; Section 28-1 Obstructing street and sidewalks prohibited, Section 28-2 General right-of-way provisions and 28-3 Work in right-of-way, of the Village of Brooklyn Code are hereby amended and created to read as follows; and Sections 28-21 and 28-46 are removed:

Chapter 28 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE I. - IN GENERAL

Sec. 28-1. - Obstructing street and sidewalks prohibited.

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

Section 28-2 General Right-of-Way Provisions

- a) No person shall locate, construct or reconstruct a vehicular access to a village street or place a culvert in the public right-of-way of village streets without first obtaining an access permit from the village or its designee. See 117-1053.
- b) No person shall cause, allow or permit any person to fail to immediately remove fallen trees from any public highway, street, or alley in the village where these trees originated from property owned or leased by that person.
- c) No person shall cause, allow or permit any person to throw, deposit or discharge any weeds, sediment, sod, brush, manure or other waste or rubbish on any public highways, streets or alleys in the village. This includes waste generated from construction sites.
- d) No person shall cause, allow or permit any persons to draw, paint, print or paste on any culvert, bridge or guardrail on any public highway, streetway, or alley in the village.
- e) No person shall cause, allow or permit any person to plant any tree or cut any tree on the public highway, street, or alley in the village without a permit issued by the village

or its designee. No permit shall be issued or reissued by the village to plant any tree if the planting and location of the tree will substantially impair, now or in the future, the public safety of persons in the village. No permit will be issued or reissued by the Village Board to cut any tree if the cutting of the tree, with the safety precautions to be taken, as described by the applicant or permittee, will still substantially impair, now or in the future, the public safety of persons in the village, or if the cutting and removal of the tree will substantially destroy the aesthetic beauty in the village. See Article IV, Section 107.

- f) Materials for culvert pipes installed or replaced below village streets shall be according to specifications approved by the Village Engineer and/or Public Works Department.
- g) Retaining walls, stone walls, monuments, signs, lights, etc., shall not be allowed within village right-of-way.
- h) Underground utilities improvements, including extensions, alterations, removals, etc., shall not be allowed within the village right-of-way without the appropriate permit approval for such work. See right-of-way permitting, Section 28-3.
- i) Excavation, grading, ditching, re-ditching or otherwise altering of topography of lands within the village right-of-way shall not be allowed without the appropriate permit approval for such work. See right-of-way permitting, Section 28-3.
- j) Improvements or alterations to existing active driveways, including field street accesses, require a driveway permit from the village. Other permits may be required as applicable to the proposed activity, as determined by the village or its designee. See 117-1053.
- k) Additional provisions for a particular activity associated with right-of-way, easement, streetway, driveway or utility construction may be required at the discretion of the village or its designee, or as required by other ordinance.
- l) Any person prior to and at the time of seeking a village driveway permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply. This also applies to shared driveways.
- m) Use of an existing driveway access for a change of use (ie. Residential to commercial or agricultural to residential) is not permitted without review and approval as a new access. See 117-1053.
- n) No person shall utilize an existing light pole, sign or other facility within the right-of-way for private purposes, without permit from the village.

Section 28-3 Work in Right-of-Way

- (a) The village, by means of this section, requires a permit for work that utilizes the right-of-way for roadway additions, roadway alterations, access to property, alteration to property access, underground accommodations, and surface alterations. Each person or entity desiring to undertake an activity regulated by this section shall submit the appropriate application(s), information and fee(s) as required by this section, no less than four weeks prior to the time the work is scheduled to begin.
- (b) Application. Right-of-way permits shall be initially requested with the permittee's completion and submittal of the application form. This form is available at the office of the Village Clerk.
- (c) Requirements. An application for a work-in-right-of-way permit request shall include, at a minimum:
 - (1) The name of the permittee(s) who is directing, performing or otherwise undertaking the work requested for the access permit. If a contractor or other entity seeks a permit on behalf of a property owner for which a permit is requested, the application shall be submitted upon signed and notarized approval of the property owner.
 - (2) The mailing address of the permittee(s) of the property for which the work-in-right-of-way permit is requested.
 - (3) The property(ies) address or tax parcel designation of the property(ies) adjacent to the street.
 - (4) The name(s) of the adjacent street(s).
 - (5) Description of the type of work that is proposed and the proposed use of the completed facilities, if necessary (existing and proposed).
 - (6) Approximate date of proposed start of construction.
 - (7) Approximate date of project completion.
 - (8) A plan map shall be prepared with a North arrow and scale of not more than one inch equals 100 feet with a reasonable degree of accuracy that depicts the site conditions, neighboring features, and all proposed facilities, if necessary.
 - (9) Erosion control provisions for the work. (See Chapter 107 Article II)
 - (10) Other state/federal permits (DOT, DNR, DOC, United States Army Corps of Engineers, etc.).
 - (11) Other information provided by the permittee that is necessary for an informed review of the application request.
- (d) Application fee. Applications shall not be reviewed unless the appropriate application fee(s) is received. The Village of Brooklyn shall be the recipient of all fees associated with work in village right-of-way permits.
 - (1) The application fee for the "right-of-way permit" is included in the Village's Schedule of Fees and may be updated from time to time.

- (2) In addition to the application fee, the permittee shall pay all costs related to the village's review, approval, inspections (if any) and enforcement of the permit, if required and as necessary by the nature of the permit request.
- (e) Penalty. Any person proceeding in a manner requiring a village-right-of-way permit who fails to obtain such permit shall pay twice the permit fee upon being brought into compliance, in addition to reasonable engineering, inspection, legal or other costs incurred by the village as a result of the noncompliance.
- (f) Duration. A work-in-village-right-of-way permit, and its requirements thereof, shall be active for the duration of the construction project, but shall not exceed one year without written extension approval from the village.
- (g) Extension. The village or its designee may extend a work-in-village-right-of-way permit upon reasonable justification by the permittee in writing and as authorized by the village.
- (h) Disclaimer. The village's issuance of a right-of-way permit does not constitute a determination that a proposed activity or construction thereof is safe, suitable for use, or otherwise passable for the public.
- (i) Bonding. Where the village or its designee deems it necessary to secure performance of the conditions of the work, the applicant shall be required to secure the work via a bond amount consisting of at least 1.25 times the estimated cost of the construction project in favor of the village. Such bond shall remain in full force and effect for at least one year past the estimated date of completion of the project. This requirement may not be applied to public service corporations, sanitary districts and public utility districts.
- (j) The permit requirements shall be inapplicable to public service corporations or to any sanitary district or public utility district when performing work in the public right-of-way necessitated by unscheduled emergency repairs of damaged facilities or emergency services required for public health and safety. Under such emergency circumstances, such entity shall notify the clerk and the 911 Center of all roadway portions that will be disrupted no more than one hour after such emergency repair commences. Such entities, under circumstances not involving unscheduled emergency repairs of damage facilities, are subject to the requirements of this Section and other applicable state and local requirements.
- (k) Permit Conditions.
1. The permittee shall give at least two working days' notice to the village prior to starting any work in the street. If a street will be fully or partially closed for any duration of time by the work, the permittee shall notify the local fire department(s) and emergency medical service(s), as well as the Village Clerk.

2. The permittee is responsible for repairing any damage, at the permittee's expense, to any adjoining property.
3. The permittee is responsible for locating and maintaining any existing public utilities or structures located within the right-of-way and repairing damage to such structures.
4. No portion of the village street shall remain out of service as a result of the activity contemplated in the permit for more than 24 hours without express prior consent of the village.
5. Where the work being performed is for the benefit of property abutting upon the affected street, the permittee, on behalf of permittee or the owner of such benefitted abutting property, authorizes the village to perform any work or operations necessary to bring the affected street into conformity with the permit if the work is not completed in a timely fashion, and further consents to the village assessing the cost thereof to the owner of such benefitted abutting property as a special charge pursuant to § 66.0627, Wis. Stats.
6. The entire cost of constructing and maintaining the facility during construction shall be borne by the applicant. The applicant shall maintain the facility after construction unless there is an appropriate legal agreement with the village to do otherwise. At a minimum, the agreement shall address the village's requirements for surety, acceptance of improvements, and timelines as necessary for the construction improvements proposed.
7. All costs related to the village's review, approval, inspections (if any), and enforcement of the permit shall be borne by the permittee.
8. All street work must be completed within five working days of completion of the project for which the street was opened.
9. The permittee shall provide satisfactory proof of liability insurance in such reasonable amount as determined by the village in accordance with the nature and extent of the work.
10. No part of the permitted work shall be commenced until warning signs, devices and methods adequate to protect the public are in place and fully functional. Warning signs and devices shall be as specified in the Wisconsin Manual on Uniform Traffic Control Devices.
11. All excavation within the right-of-way shall be backfilled with suitable granular material compacted in nine-inch lifts. The bottom portion of the trench shall be compacted to 90% of maximum as measured by the Modified Proctor Method. The top three feet shall be compacted to 95%. The permittee agrees to make frequent inspections for settlement and to be responsible for any such settlement. If requested, the permittee shall provide compaction test results.
12. Highway surfaces, slopes, shoulders, ditches and vegetation disturbed shall be restored to at least their original conditions. All construction, repair or reconstruction shall comply with the minimum standards set forth in the Village Code of Ordinances.
13. Where special circumstances exist at the site where the work is contemplated, the Village Public Works Director may impose additional reasonable conditions

to assure that the work is carried out in a manner consistent with Village engineering, erosion control and environmental standards.

(Ord. of 7-13-2015(1), § 23.15)

Remove: Chapters 28-21 and 28-46

Adopted by the Board of Trustees of the Village of Brooklyn, Wisconsin, this 11th day of April, 2022.

APPROVED:



Mark Bruner, Village President

Ayes: 6
Nays: 0

ATTEST:



Linda Kuhlman, Clerk-Treasurer

AFFIDAVIT OF POSTING

STATE OF WISCONSIN)
 :SS
COUNTY OF GREEN)

I, Linda Kuhlman, Village Clerk/Treasurer for the Village of Brooklyn, County of Dane, State of Wisconsin, do solemnly swear that on April 12, 2022, Chapter 28, Streets, Sidewalks and Other Public Places; Section 28-1 Obstructing street and sidewalks prohibited, Section 28-2 General right-of-way provisions and 28-3 Work in right-of-way, of the Village of Brooklyn Code and Sections 28-21 and 28-46 are removed was posted at the following locations:

1. Village Hall
210 Commercial Street
Brooklyn WI 53521
2. U S Post Office
218 Commercial Street
Brooklyn WI 53521
3. Village of Brooklyn website
www.brooklynwi.gov

Further affiant saith naught.
Dated this 13th Day of April, 2022



Linda Kuhlman
Village Clerk-Treasurer

SUBSCRIBED AND SWORN to before
me on this 13th day of April, 2022

Vicki L. Olson
Notary Public, *Green County* WI
My Commission expires: *09-01-2024*

