

ORDINANCE 2024-11

**AN ORDINANCE TO CREATE SECTION 244-8 OF THE VILLAGE OF EAST TROY
MUNICIPAL CODE RELATED TO PRIVILEGES IN STREETS FOR
DRIVEWAYS AND CULVERTS**

WHEREAS, the Village has received requests from property owners to permit the use of existing driveways that don't technically conform to the driveway specifications contained in Chapter 244 and/or allow permanent parking in areas of the Village's right-of-way where, due to unique lot layouts and the location of public facilities, as well as the absence of sidewalks, there would be no conflict with the Village's use of the right-of-way, as well as the public's right to utilize the right-of-way, if use of an existing driveway were allowed to continue and/or permanent parking were allowed; and

WHEREAS, the Village Board directed staff to create the necessary ordinance to allow continued use of existing driveways where warranted and such use of its right-of-way, as long as said permission can be revoked by the Village and the cost of the necessary agreement and any special assessment or charge is borne by the property owner.

NOW, THEREFORE, the Village Board of the Village of East Troy, Walworth County, Wisconsin do ordain as follows:

Section 1. Create § 244-8 pertaining to privileges in streets which states as follows:

“§ 244-8 Privileges in Streets.

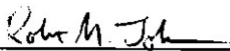
- A. Definition. In this section, “privilege” means the authority to place an obstruction or excavation within a village highway.
- B. Incorporation of State Statute. The provisions of Wis. Stat. §66.0425 pertaining to privileges in streets is incorporated herein by reference.
- C. Request for Privilege. A person may request the village board grant a privilege to permit the continued use of a driveway that is not in compliance with the above requirements and/or the use of an area within a village right-of-way for parking of motor vehicles.
- D. Agreement Required. Upon the recommendation of the Director of Public Works and Utilities, an agreement shall be prepared for village board consideration (“Privilege Agreement”). The applicant shall enter into a reimbursement agreement, and provide the requested deposit, to cover the costs associated with preparing, presenting and

recording the Privilege Agreement. The Privilege Agreement shall include provisions requiring the applicant to assume primary liability for damages to person or property by reason of the granting of the privilege, require removal of the noncompliance, obstruction or excavation upon 10 days' notice, and require waiver of the right to contest the validity of the ordinance or the statute upon which it is based.

- E. Special Assessments and Charges. In addition to payment of amounts associated with a Privilege Agreement, the applicant shall be responsible for all special assessments or charges imposed by statute or pursuant to Chapter 52, Article II of the Village's Code of Ordinances."

Section 2. This ordinance shall become effective upon passage and posting or publication as provided by law.

Adopted this 19 day of August, 2024.



Robert M. Johnson, President

ATTEST:



Lorri Alexander, Village Clerk

