

CHAPTER 8  
STREETS AND SIDEWALKS

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**8.01 OFFICIAL MAP** (1) 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.

(2) 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.

(3) AUTHORITY OF THE VILLAGE PLAN COMMISSION. The Village Plan Commission, when passing upon a land subdivision plat referred to it by the Village Board, shall not recommend such plat for approval unless it conforms with the Official Map.

(4) BUILDING PERMITS, PLOT PLAN. For the purpose of preserving the integrity of the Official Map, no permit shall hereafter be issued for any building in the bed of any street, highway or parkway shown or laid out in such map except as provided in §62.23(6)(d) and (g), Wis. Stats. The Building Inspector shall require each applicant to submit a plot plan, certified by a qualified surveyor, for approval. Such plot plan shall show accurately the location of any proposed building with reference to any streets as shown on the Official Map.

(5) 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.

**8.02 STREET CONSTRUCTION.** (1) GRADES. No street shall be laid out or constructed within the Village until the location and grade of such street has been approved by the Village Board by a majority vote thereof.

(2) APPLICATION; MAP AND SURVEY. Any person desiring to lay out and construct any street within the Village shall file with the Village Clerk an application therefor, together with an accurate map and survey setting forth the exact location of such proposed street, as well as the elevations or grade thereof, the proposed width thereof and such other and further information as may be requested by the Village Board. The Village Clerk shall refer such applications and surveys to the Committee on Public Works, which shall examine the proposed applications, maps and surveys and make a report thereon to the Village Board for the final determination by the Board.

(3) CONSTRUCTION. All streets shall be constructed in accordance with specifications as adopted from time to time by the Village Board.

**8.03 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 Board.

(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.

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

**8.05 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 him 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.

**8.06 OBSTRUCTIONS AND ENCROACHMENTS.** (1) 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 he is the owner or occupant, except as provided in sub. (2).

(2) EXCEPTIONS. The prohibition of sub. (1) 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, street or alley.

(b) Awnings which do not extend below any point 7 feet above the sidewalk, street or alley.

(c) Public utility encroachments authorized by State law or by the Village Board.

(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) Racks or platforms for the display of merchandise of at least 18" above the sidewalk and extending not more than 24" from the building to which attached.

(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.

**8.065 PLACEMENT OF NEWSPAPER BOXES.** (1) PERMIT REQUIRED AND PROCEDURE. No individual shall place or erect a newspaper vending box in the Village of Sussex right-of-way without first obtaining a permit. The permit shall be obtained through the following procedure:

(a) A permit application shall be made to the Village Clerk's Office not less than ten days prior to a meeting of the Village Public Welfare Committee.

(b) The permit applications shall include the following information:

1. The name and address of the applicant.

2. The location of the property on which the newspaper box is to be located.

3. The phone number or phone numbers which can be used to reach the applicant at any time.

4. A drawing showing the approximate location of the proposed newspaper box in relation to the Village streets, signs, hydrants, etc.

5. Any other information which the Village Board may deem necessary to the proper review of the application.

(c) The Village Clerk shall review all applications and if the application is complete and contains all required information, the Clerk shall then refer it to the Public Welfare Committee.

(d) The Public Welfare Committee shall review all applications for compliance with this ordinance and recommend to the Village Board either the approval or disapproval of the application.

(e) If the Village Board is satisfied that all provisions of this ordinance are complied with, then the application shall be approved and the Village Clerk shall issue the appropriate permit.

(f) Each placement of a newspaper box requires one permit to be issued.

(g) By granting said permit the Village assumes no responsibility or liability for any newspaper box.

(2) **CONDITIONS.** The Village Board may deny the application for any newspaper box permit if the Village Board finds any of the following conditions will exist:

(a) The location of the newspaper box shall not interfere with the orderly flow of traffic.

(b). The newspaper boxes shall not be located to obstruct vision at intersections.

(c) Newspaper boxes shall not be located in any manner so that automobiles shall be caused to stop in a no parking area.

(d) No newspaper boxes shall be attached to any traffic control signs, street name signs, hydrants, or any Village owned property.

(e) No newspaper box shall be located in a designated future roadway.

(3) **PERMIT EFFECTIVE DATE AND REVOCATIONS.** Once granted, a permit shall remain in effect until June 30, of each odd numbered year. A permit may be revoked only for the following reasons:

(a) Unforeseen circumstances arise to cause the newspaper box to be in violation of one of the conditions for issuing the permit. Such circumstances shall include new construction, changes in traffic conditions, extension of no parking zones and/or changes in Municipal Code of the Village of Sussex.

(b) A newspaper box for which a permit is issued remains unused for a period of sixty (60) consecutive days.

(4) **CHANGES OF PERMIT HOLDER.** Any permit holder changing an address and/or phone number must give written notice to the Village within 30 days of said change.

(5) **NOT PERMITTED IN VILLAGE RIGHT-OF-WAY.** Any newspaper box placed or erected in the Village of Sussex right of way without a permit will be removed and disposed of by Village Forces.

(6) **FEES.** The Village Board shall by resolution from time to time establish fees for the processing and issuance of a newspaper box permit.

**8.07 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.

**8.08 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.

**8.09 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 a 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, excepting 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 him, the number or numbers assigned under the uniform address system provided for by this section.

(c) 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 him 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, he shall be deemed to have violated this section.

**8.10 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 the sum of \$500.00 in the case of residential projects and the sum of \$1,500.00 in the case of commercial or industrial projects, 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 Building Inspector 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 Building Inspector, or his deputy, or the Village Administrator 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 Building Inspector or Village Administrator find 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.

**8.105 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.

**8.11 (Reserved for Future Use).**

**8.12 PENALTY.** Any person who shall violate any provision of this chapter or any order, rule or regulation made hereunder shall be subject to a penalty as provided in Sec. 25.04 of this Municipal Code.