VILLAGE OF ARDENCROFT

Ordinance 5

Leaseholder & Village Street Frontage Maintenance Obligations

1) Overview

In order to promote safety and proper drainage, the Village of Ardencroft (Village) requires that leaseholders maintain ("maintenance" defined below) street-facing and leasehold-adjacent land ("street frontage", defined below), including clearing street gutters and drains. Street frontage maintenance, especially the several feet abutting the street, by leaseholders of the adjacent leasehold, is required to ensure public safety, enabling clear visibility and mobility on Village streets.

Maintenance of other village land, including cul de sacs, park land, paths, and forests, are the responsibility of the Village and its empowered committee(s). Unless otherwise approved by the empowered committee, altering or destroying vegetation and other features on non-street frontage public land is not permitted and subject to fine.

2) Definitions

a) Street frontage: For purposes of this ordinance, the definition of street frontage is land that is leasehold-adjacent, public, and street fronting. This ordinance focuses mainly on the several feet of street frontage closest to the street, where communal issues of safety, visibility, and environmental health are most relevant. To determine the extent of street frontage beyond leaseholds, the Village uses the following calculations:

   i) Village lands containing streets are 50 feet across. From the outer edge of a street gutter to the opposite outer gutter edge, paved portions of streets are 22 feet wide. Generally, this leaves 14 feet fronting leaseholds where village land exists for purposes of streets and utilities. Some narrowing distances occur where leaseholds border cul de sacs. Village land widens to 100 feet across at cul de sacs but pavement and gutters may get nearer to leasehold boundaries in certain locations.

   ii) State roads (Veale and Harvey) are 60 to 65 feet wide and tend to have between 10 and 20 feet of street frontage between leasehold and paved portions of their property.

   iii) When available, markers from leasehold surveys supersede the calculations above in determining where street frontage beyond leaseholds ends and leaseholds begin.

b) Maintenance: Leaseholders of land adjacent to street frontage are required to perform the following regular maintenance:

   i) Clear street frontage to allow pedestrians several feet to safely and comfortably make way for vehicular traffic and to allow for clear visibility of

pedestrians and vehicles. Keeping plantings from spilling over from street frontage into the street, gutters and drains, facilitates good street drainage.

ii) Clear street gutters and drains at the edge of street frontage to remove leaves, trash, and other debris.

iii) Removal of dead, dying, invasive or other nuisance trees greater than 4 inches in diameter on street frontage land is the responsibility of the VillagePWC. Per *Tree Removal* ordinance, contact a member of the empowered committee to request removal.

iv) Refrain from introducing anything that will be counter to the maintenance obligations in b(i) and b(ii) of this ordinance. With the exception of mailboxes, street frontage shall be kept clear of permanent objects that do not meet the guidelines set forth herein.

c) Permanent changes to street frontage: Permanent changes to street frontage include but are not limited to altering or adding parking areas, driveways, fences and/or planting trees and woody bushes. Seasonal plantings such as grasses, flowers, and the like are excluded from this ordinance. "Permanent Object" means an object that meets all three of these conditions:

i) It's attached to the property. It is bolted down, buried, or set in concrete.

ii) It stays in one place. It has a fixed spot and isn't built to move. Anything with wheels, handles, or parts that fold or retract does not count. (See NCC § 2501.)

iii) It hasn't moved in over 30 days. It has stayed in the same spot for more than 30 days in a row without being put to use somewhere else. (This matches the 30-day "Notice to Cure" period in Ordinance 5, Section 3.)

Exception for active projects: Materials used for a landscaping or maintenance project that's in progress (like tarped dirt, tools, or equipment) don't count toward the 30 days, as long as someone makes visible progress on the project at least once every 30 days.

3) Oversight, Process, and Enforcement

Specific committees are empowered to determine which leaseholds have plants or permanent objects that need trimming, cutting, cleaning, or clearing to comply with this ordinance and shall inform leaseholders and tenants, in writing, of their determinations.

In the event such notice from the empowered committee(s) does not result in the required action within 30 days, the committee(s) is empowered to have the work done.

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No permanent changes to street frontage shall be made in advance of approval by the empowered committee(s).

Violations of this ordinance shall be punishable by a fine conforming to the Village's municipal fine structure, in addition to reimbursement of the cost for any work required to be performed by the Village under this ordinance.

Empowered Committees/Officials

Separately from any ordinance, village policy empowers committees or relevant officials to perform functions associated with an ordinance. This meets the needs of ordinances, while avoiding the procedural hurdle of amending the ordinance for simple text changes if there is ever need for reassignment of responsibilities to a new party, or if a committee or title is formally changed.

For the ordinance above, the empowered committees/officials are:

Function	Empowered Party
Oversight and enforcement	Public Works & Safety committees
Maintenance of other village land	Public Works Committee
Receiving applications for changes to street frontage	Public Works Committee
Approving or denying applications for changes to street frontage	Public Works Committee
Removing modifications to street frontage that were not pre-approved by the Village	Public Works Committee