

Rights of Way

In order to maintain consistent and unobstructed conveyance of stormwater in roadside ditches, proper placement and maintenance of street signs, access for repair and maintenance to sanitary sewer structures, maintenance and/or construction of pedestrian pathways, maintenance and planting of urban forest trees, access for utility providers to place infrastructure and storage for removal of snow from the streets, the area designated as the Right of Way, owned by the Village, shall not have anything constructed, placed, planted, modified, etc., above or below ground, within the first 20' from the road edge into the adjacent lot. The Village of Elm Grove further prohibits the placement of any woody plants or vegetation which may be considered an obstruction or objects of any type within the remainder of the Village ROW without a ROW indemnity agreement.

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 to remain on any public way adjoining the premises of which they are owner or occupant, with exceptions noted for mailboxes, temporary delivery for a jobsite, official Village signage, utilities, etc.

Existing items currently within the ROW:

Anything currently in place in the ROW without an indemnification agreement, prior to the enactment of this ordinance, with the exception of any items that have been or may be deemed a hazard by the Village, may require removal under the authority of the Public Works Director if it conflicts with any public works maintenance projects or repairs. Inaction on the Village's behalf does not constitute consent and the Village of Elm Grove does reserve the right to remove said item and pursue legal action as necessary. There is no assumption of liability by the Village for structures or plantings placed there by a homeowner without the consent or ROW Indemnification from the Village of Elm Grove.

An indemnity agreement is required for the placement by a property owner of any plantings, light poles, landscape hardscaping or anything within the ROW outside of the 20' setback from the road edge. The agreement must be completed and submitted to the Public Works Director who will review and make a recommendation to the Public Works/Utilities Committee for their review and action. The Village reserves the right to deny any request it deems as unacceptable for any reason.

Excessive slopes of drainage ditches is defined as any ditch which exceeds 2:1 slopes. Property owners who have concerns over the slope of a ditch which meets this criteria may request a review of the ditch for the purpose of possibly ameliorating the condition, if practicable.

The Village is not required to alter any ditch and there is no implication of consent for any further action. Any modifications the Village is able to perform will be done within the general work schedules and placed in order of other already pending projects.

Only the most severe conditions will be entertained by committee to approve with any options.

Pavement, pathway or other public Works Projects that include regrading ditches for stormwater conveyance, road reconstruction, etc. will address most of these issues at that time and any trees removed will be replaced by the Forestry Dept. as deemed necessary at some point in the future.

ROW Indemnification Agreements will only be allowable under certain circumstances, including but not limited to installation of underground sprinkler systems and electric dog fences outside of the 20' from road edge zone.