

**CHAPTER 12 – ROADS AND CONSTRUCTION AND MAINTENANCE
OF DRIVEWAYS**

SECTION 12.00 PRIVATE ACCESS TO TOWN ROADS

Section 12.00, Private Access to Town Roads, consists of Sections 12.01 through 12.06.

Section 12.01 Authority

The Town Board of the Town has the authority to enact the provisions of Section 12.00, Private Access To Town Roads, pursuant to Sec. 86.07(2), Wis. Stats., by its adoption of Village powers under Sec. 60.10(2)(c), Wis. Stats., and Chapter Trans. 231 of the Wisconsin Administrative Code.

Section 12.02 Purpose

The purpose of Section 12.00 is to restrict and regulate private access onto town roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Town roads, protect vehicular and pedestrian travel on and along the public roads, ensure proper drainage, and minimize disruption to existing agricultural lands.

Section 12.03. Jurisdiction.

Jurisdiction under Section 12.00 shall include any Access to a Parcel in the Town constructed after April 11, 1995, or where the provisions of Section 12.05(A) apply.

Section 12.04 Definitions

(A) The following terms shall be applied as indicated throughout Section 12.00.

- (1) Access. Driveway access point lying within a Town right-of-way for any motorized vehicles except for State of Wisconsin funded snowmobile trails.
- (2) Access Permit. A permit from the Town granting Access onto a TR.
- (3) Administrator. Town Engineer, or other designee of the Town Board.
- (4) ADT. Average Daily Traffic generated on a given road or highway.
- (5) Driveway. Any Access for a private driveway, road, or other avenue of travel that lies within a Town right-of-way and connects or will connect with a Town Road.

(6) Parcel. The area of land within the property lines of a given piece of property.

(7) Person. Includes any individual, firm, association, joint stock association, organization, partnership, limited, trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.

(8) Town. The Town of West Point, Columbia County, Wisconsin.

(9) Town Board. The Town's Board of Supervisors.

(10) Town Road (TR). Any segment of a Town Road located within the boundaries of the Town.

(B) Words used in the present tense includes the future tense; the singular tense includes the plural and the plural the singular; the word "shall" is mandatory and the word "may" is permissive; the words "used" or "occupied" also mean intended, designed or arranged to be used or occupied; and all distances unless otherwise stated shall be measured in the horizontal direction.

Section 12.05 Regulations

(A) Existing Access. Any Driveway Access to a TR prior to April 11, 1995, ordinance will be allowed, provided that any future construction, alteration, or change of use of the Driveway Access shall comply with the terms of Section 12.00.

(B) Access To Highway. Entrance upon or departure from a TR shall be prohibited except at locations specifically designated by Section 12.00. No Driveway shall be opened into or connected with any TR under Section 12.00 or converted from one use of Access to another use of Access and no culvert shall be installed within Town right-of-way without an Access Permit.

(C) Subdivision Of Land. Before any Parcel is allowed to be subdivided, it must be proven that Access can be provided to each proposed lot or other resulting division of land in such a way that it will not violate any of the regulations of Section 12.00.

(D) Access Spacing And Frequency

(1) Where a Person owns adjacent Parcels (of the same land use) with frontage, all Parcels shall be treated as a single Parcel for the purposes of Section 12.00.

(2) Each residence shall have only one Access to a TR.

(3) Commercial and industrial zoned Parcels may be allowed two points of Access provided they each separately meet the remaining criteria of Section 12.00, and require more than 50 parking spaces.

(4) Multiple Access points for agricultural purposes may be granted, if reasonably necessary, on a case by case basis.

(5) Whenever possible, Access should be granted onto the most minor road adjacent to the Parcel when there is a choice between roads.

(6) Safety shall not be interfered with due to Access locations near hills, curves, intersections, or other locations which may not be in clear and apparent view of on coming traffic.

(E) Design Standards. Any Access and Driveway within the TR right-of-way must comply with the following design standards:

(1) Be so located as to not create a safety hazard for vehicles traveling on the TR or exiting and entering the Parcel. The Administrator, using good engineering practice, shall determine the permitted location for any Access and Driveway with consideration given to the TR's classification, topography, and posted travel speed.

(2) To the extent possible, no Access or Driveway shall be located within or traverse any area that is part of a "vision clearance triangle" that is created by a hypotenuse line connecting points 150 feet from the center of a TR intersection, nor shall Driveway be located closer than 15 feet outside of the extended pavement edge line at a "T" intersection.

(3) An Access and Driveway may be constructed of any hard, clean, durable material such as concrete, crushed stone, bituminous or paving stone placed so that the surface of the Access and Driveway meets the existing edge of pavement. An Access and Driveway shall not extend into the roadway surface so as to cause an obstruction to the maintenance or snow removal on the roadway.

(4) Any Access and Driveway to a TR without curb and gutter must be provided with a culvert. Culverts must be placed at least 1 foot under the Access, be a minimum of 15 inches or equivalent in diameter or as large as needed for adequate drainage and be constructed of corrugated metal or concrete, with endwalls. Plastic pipe and/or plastic endwalls shall not be allowed.

(5) Culverts shall be placed in the ditch line at elevations as set by the Administrator so as to adequately convey water and assure proper drainage.

(6) Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Administrator. The minimum cover, measured from the top of the pipe to the top of the subgrade material shall be six inches.

(7) Direct drainage from Access and Driveway to ditch or culvert on same side of TR.

(8) Slopes to the side of the Access and Driveway shall not be steeper than 4 to 1 (25 percent desirable) or that of the embankment of the existing TR whichever is less.

(9) Access and Driveway entrances shall be sloped away from the edge of the TR pavement at a minimum slope of two percent across the shoulder and one percent from the shoulder point to the low point. The low point of the Access and Driveway shall be located at the center of any required ditch over the Access and Driveway culvert. If no ditch exists, the Access and Driveway low point shall be placed at the center of the future ditch as determined by the Administrator. If the Access and Driveway slopes down from the roadway, a swale must be created over the center of any existing or future ditch.

(10) Unless approved in writing by the Administrator, in its sole discretion, at the time an Access Permit is obtained, retaining walls, stone walls, etc. shall not be allowed in connection with the construction or maintenance of any Access or Driveway within the Town right-of-way.

(11) Concrete may be prohibited as an Access and Driveway paving material when, in the opinion of the Administrator, the use of concrete may cause damage or injury or create the threat of danger or injury, to road equipment or for other safety reasons.

(12) Any pavement in the right-of-way, whether new, resurface, or replacement, and any new or replacement culvert shall require a permit.

(13) Crowning of Access and Driveway shall be provided within a minimum pitch of 2 percent towards the side of the Access and Driveway.

(14) Where curb and gutter exists, it must be removed at the Access and Driveway and new curb and gutter must be provided within the TR right-of-way as required by the Administrator.

(15) Angle of an Access and Driveway shall be as close to 90 degrees with the centerline of the TR as possible, but not less than 75 degrees. The slope of the Access and Driveway surface between the right-of-way and the edge of pavement shall not exceed 8%.

(16) Facing Access and Driveway on opposite sides of a TR shall be located directly opposite each other whenever possible.

(17) Type "A" access: (see Appendix 12.05-A) Access and Driveway standards for up to two agricultural or residential Parcels including an Access or Driveway width of 20 to 24 feet and a return radius of 20 feet.

(18) Type "B" access: (see Appendix 12.05-A) Access and Driveway standards for 3-20 residential units and commercial or industrial Parcels with up to 25,000 square feet.

(19) Type "C" access: (see Appendix 12.05-A) Access and Driveway standards for over 20 residential units and commercial or industrial Parcels over 25,000 square feet.

(20) Bypass lane shall be required where the ADT of the TR that the Access and Driveway enters onto is 2500 or more for type B Access, and 1000 or more for type C Access.

(21) Turnarounds shall be provided so that vehicles do not need to back out onto a TR.

(22) Existing TR property including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition as determined by the Administrator.

(23) Vision corners must be free of all obstructions at each access point in accordance with the Vision Corner diagram, Appendix 12.05-B. Access and Driveway vision corners are to be measured from a point 3.5 feet above the center of the proposed Access and Driveway, 15 feet back from the edge of pavement of the TR, to two points 4.5 feet above the center of the nearest on-coming lane of the TR in each direction, at a distance of "D" from the point where the TR meets the center of the proposed Access and Driveway. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used.

(24) Additional information and the requirements relating to applicable standards for all new or altered Access and Driveway are illustrated on the attached Access and Driveway Standard incorporated herein. See Appendix 12.05-C.

Section 12.06 Administration and Enforcement

(A) Administration. The Administrator is hereby authorized to administer Section 12.00. Applications for permits shall be made to the Administrator who shall review the proposed development or construction and shall either grant or deny the proposed Access and Driveway based upon the provisions, standards, and requirements of Section 12.00, within ten (10) working days.

(B) Interpretation. All restrictions on the use of land is restricted to the objects, growth, and use of land within the Town right-of-way. Whenever it is questionable as to whether or not an object, or a part of an object, is within the jurisdiction of Section 12.00, the entire object shall be considered to be presumed to be subject to the provisions of Section 12.00.

(C) Access Permits

(1) No structure, object, excavation or growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right-of-way of a TR as part of any Access and Driveway construction until an Access Permit has been issued by the Administrator. Said Access Permit shall be placed in clear view as near to the point of proposed Access and Driveway construction as possible. Unless the permitted Access is constructed within one year from the date of issuance, the Access Permit shall expire. All construction must be completed within this time. The Administrator may extend approval of an Access Permit under extenuating circumstances.

(2) The Person obtaining the Access Permit shall be liable for all materials, labor and other costs connected with the construction of the Access and Driveway within the TR right-of-way. The Town shall not be liable for any damage or injury which results from the construction of an Access or Driveway within the Town right-of-way. The Town shall not be responsible for any maintenance of any an Access and Driveway, including the culvert and the removal of snow, ice, or sleet.

(D) Fees

(1) The Person who owns the Parcel and is applying for the Access Permit shall pay to the Town fees based upon the type of Access and Driveway being sought. The fees to be paid shall be established by the Town Board from time to time by resolution.

(2) In the event that any construction or alteration is commenced prior to application or issuance of an Access Permit, in addition to any other remedies available to the Town, including the right to deny the Access

Permit notwithstanding commencement of construction and return of the right-of-way to its prior condition, the permit fee shall be doubled.

(E) Hazard Marking and Lighting. Any Access and Driveway location shall during construction within the right-of-way be provided with adequate hazard marking and lighting to prevent possible accidents. The hazard marking and lighting shall be provided by the Person who owns the Parcel.

(F) Appeals

(1) Any Person aggrieved by any decision made in the administration of Section 12.00 may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Administrator. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the Parcel and Access and Driveway location in question, and the reasons for the appeal.

(2) The Town Board shall make a decision on the appeal within forty-five (45) calendar days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present.

(G) Modifications or Waivers

(1) Where, in the judgment of the Town Board, after considering the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of Section 12.00 because an exceptional circumstance exists or it is demonstrated the provision or provisions are unnecessary, the Town Board may waive or modify any requirements to the extent deemed just and proper.

(2) Application for any modification or waiver shall be made in writing by the Person who owns the Parcel on the application form provided by the Town. The application may not be filed until after an Access Permit has been sought from the Town and discussions occurred with the Administrator. The applicant shall set forth all facts relied upon to justify the modification or waiver request and the application shall be supplemented with maps, plans or additional data which may aid the Plan Commission and Town Board in the analysis of the proposed request.

(3) The Plan Commission and Town Board shall consider the following factors, in addition to any other factors deemed relevant:

(a) Whether granting the request for a modification or waiver will not be detrimental to the public safety, health or welfare of the general public or injurious to other property or improvements in the neighborhood in which the Parcel is located;

(b) Whether the conditions upon which the request for a modification or waiver is based are unique to the Parcel and are not applicable generally to other property.

(c) Whether due to the particular physical surroundings, shape or topographical conditions of the specific Parcel involved, a particular hardship to the Person who owns the Parcel would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of Section 12.00 were carried out.

(d) Whether the alleged difficulty or hardship is caused by Section 12.00 and has not been created or self-imposed by the Person who owns the Parcel. It shall not be deemed to be a hardship merely because a Person desires a different Access and Driveway location, for whatever reason, if the Parcel can be otherwise accessed in compliance with Section 12.00.

(4) A majority vote of the entire membership of the Town Board shall be required to grant any modification or waiver of Section 12.00, and the reasons shall be entered in the minutes of the Board. The Town Board may impose such conditions or restrictions upon the permit benefited by the variance as may be necessary in the sole opinion of the Town Board. Upon action by the Town Board, the Town Clerk shall notify the Person who owns the Parcel in writing of the outcome.

(5) The Plan Commission and Town Board shall have the power to call on the Town Engineer or other designee for assistance, including written reports, with respect to the modification or waiver request.

(H) Stop Work Order. The Town or the Administrator is authorized to post a stop-work order upon any Parcel which has a permit revoked or to post a stop-work order upon any Parcel upon which an Access and Driveway is being constructed within Town right-of-way in violation of this Section 12.00, including without a permit. In lieu of a stop-work order, the Town or the Administrator may issue a written cease and desist order to any Person who owns a Parcel Owner violating this Section 12.00. These orders shall specify that the activity must be ceased or brought into compliance with the order within seven (7) days. Any revocation, stop-work order or cease and desist order shall remain in effect unless retracted by the Town Board, or its Administrator, or by a court of general jurisdiction, or until construction of the Access and Driveway is brought into compliance with this Section 12.00. The Town Board or the Administrator is authorized to refer any violation of this Section 12.00 or a stop-work or cease and desist order issued pursuant to this Section 12.00 to the Town Attorney for the commencement of further legal proceedings.

(I) Compliance. Compliance with the provisions of Section 12.00 may also be enforced by injunction after commencement of suit by the Town. It shall not be necessary to prosecute a forfeiture action before resorting to injunctive proceedings.

(J) Performance By Town. When the Town Board or the Administrator has determined that a Parcel Owner has failed to obtain an Access Permit as required by this Section 12.00, or that the Person holding an Access Permit has failed to make the improvements or to follow the approved conditions, the Administrator may, with the approval of the Town Board, perform the required work necessary to rectify the non-conformity or restore the Access and Driveway in compliance with this Chapter 12. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work and all costs of its consultants, including the Administrator and Town Attorney, and these costs and expenses shall be entered on the tax roll as a special charge against the Parcel or Parcels pursuant to Section 66.0627, Wis. Stats. Notwithstanding this authority, nothing herein shall impose any liability upon the Town for any purpose for failing to undertake such work at any time.

(K) Enhanced Forfeiture. Should an Access or Driveway within the Town right-of-way be sited, constructed or maintained in violation of the provisions of this Section 12.00, or create a hazard that is not corrected within thirty (30) days of notification, the Parcel Owners or Owners through which the Access and Driveway passes, or which is accessed by same, shall, upon conviction, pay a forfeiture between \$75.00 and \$200.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense.

(L) Deposit. In the event of a violation of Section 12.00, the cash deposits for purposes of Section 4.03 of the Town Code of Ordinances are established as follows: 1st offense \$75.00; 2nd offense (and each subsequent day of offense) \$125.00.

SECTION 12.10 DRIVEWAYS

Section 12.10, Driveways, consists of Sections 12.11 through 12.26.

Section 12.11 Authority

Section 12.10, Driveways, is adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats.

Section 12.12 Purpose

The purpose of Section 12.10 is to regulate, where applicable, the siting, construction and maintenance of Driveway and Shared Driveways that change the existing topography of the land to assure that the siting, construction and maintenance will promote the public health, safety, and general welfare of the community, provide adequate access for emergency vehicles, preserve agricultural land, protect environmentally sensitive areas, and enforce the goals and policies set forth in the Town's Land Use Plan. Design and construction of commercial driveways is not governed by Section 12.10 but commercial driveways shall instead be individually designed for the specific uses and traffic volumes involved in each application. The design for a commercial driveway shall be approved by the Town Board or Administrator before any construction commences.

Section 12.13 Jurisdiction

Jurisdiction under Section 12.10 shall include all Driveways and Shared Driveways on Parcels that are located within the Town. Existing Accesses and Driveways, Shared Driveways and Private Roads constructed prior to August 4, 1988, are only subject to certain provisions of this Chapter 12 as provided herein and Field Roads are excluded unless the provisions of Section 12.18 apply. Any existing Driveway or Shared Driveway constructed prior to August 4, 1988, shall require a Driveway Siting Permit upon a change of use or if the Driveway or Shared Driveway is significantly altered.

Section 12.14 Definitions

- (A) Administrator. Town Engineer or other designee of the Town Board.
- (B) Agricultural Land. Land within the Town that is currently zoned A-1 Agricultural under the Columbia County, Wisconsin, Zoning Code.
- (C) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private Parcel of land or that connects or will connect with any public highway, but shall not include any Field Road lying outside of the right-of-way of a public highway.

(D) Driveway Siting Permit. A permit from the Town authorizing the construction of a Driveway or Shared Driveway under Section 12.10.

(E) Field Road. A road used only for agricultural, recreational or other non-residential, or non-commercial purposes.

(F) Parcel. The area of land within the property lines of a given piece of property.

(G) Parcel Owner. The Person who owns the Parcel served by the Driveway, Shared Driveway or Private Road.

(H) Person. Includes any individual, firm, association, joint stock association, organization, partnership, limited, trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.

(I) Private Road. A preexisting private road that runs through Parcels of land that connects with any public highway and that provides access to or serves more than 4 Parcels.

(J) Shared Driveway. A private Driveway serving no more than 4 Parcels.

(K) Topography. The surface features of an area of land.

(L) Town. The Town of West Point, Wisconsin.

(M) Town Board. The Town of West Point Board of Supervisors.

(N) Town Clerk. The Clerk of the Town of West Point.

Section 12.15 Application Requirements and Procedures

(A) Who Must Apply. No Person who owns a Parcel shall site or construct a driveway without first obtaining a Driveway Siting Permit from the Town or the Administrator.

(B) Application Forms. The Town Board shall approve a form of application to apply for a Driveway Siting Permit. The form shall be available from the Town Clerk or Administrator.

(C) Application. Parcel Owner shall submit a completed Driveway Siting Permit application together with the appropriate fee and the following attachments, as required, to the Town Clerk or Administrator.

- (1) Plat map.

- (2) Aerial photo/site analysis.
- (3) Soil/slope analysis.
- (4) Town Erosion Control Plan.
- (5) Driveway Construction Plan OR
- (6) Engineer's Plan (if required by the Town Board or the Administrator.
- (7) Other documents as deemed necessary by the Administrator.

(D) Application Review. The permit application shall be reviewed and evaluated pursuant to the provisions of Section 12.10 and any other considerations deemed relevant by the Town Board or the Administrator.

(E) Permit Application Denial. If an application for a Driveway Siting Permit is denied by the Town, an applicant may not reapply for another Driveway Siting Permit for the same site unless the Town Board or the Administrator is of the opinion that the proposed driveway siting for the Parcel is substantially different than the prior application.

(F) Permit Period. Unless the Driveway or Shared Driveway is constructed within twelve (12) months from the date of issuance, the Driveway Siting Permit shall expire. The Administrator may extend approval of the Driveway Siting Permit under extenuating circumstances.

(G) Building Permits. No building permit for new construction within a Parcel will be issued until the Driveway or Shared Driveway is sited and constructed according to the specifications of Section 12.10.

Section 12.16 Costs of Application Review

An application fee in an amount to be determined from time to time by Town Board resolution will be charged. In addition, all reasonable costs for engineering, legal or other administrative or consulting services incurred by the Town in the course of reviewing and evaluating the driveway siting application shall be paid by the Person who owns the Parcel applying for the Driveway Siting Permit, to the extent not covered by the application fee. The Person shall reimburse the Town for the costs within fifteen (15) days of billing. In the event the Person fails to pay, in addition to any other remedies to which the Town may be entitled to pursue, including forfeiture, the delinquent costs and expenses may be collected by the Town by imposing a special charge, pursuant to Sec. 66.0627, Wis. Stats., upon the next tax roll against the Parcel(s) to be served by the Driveway or Shared Driveway. By submitting an application each Person who owns a Parcel acknowledges the Town's right to impose the special charge.

Section 12.17 Agricultural Land Impacts

A Driveway or Shared Driveway shall only be approved if the Town Board or the Administrator finds that the Driveway or Shared Driveway minimizes negative impacts to Agricultural Land.

Section 12.18 Field Roads

Before any exempt Field Road may be used for residential or commercial purposes, a Driveway Siting Permit application must be filed and a Driveway Siting Permit issued under Section 12.10.

Section 12.19 Shared Driveways

A. Shared Driveway Conditions. Shared Driveways may be permitted by the Town Board under the following conditions:

(1) A Shared Driveway agreement between property owners designating usage rights and responsibilities for construction, maintenance and repair must be drafted in a form satisfactory to the Town Attorney and recorded against each Parcel utilizing the Shared Driveway. The agreement must, among other things, acknowledge that without the consent of the Town, the Shared Driveway will never be improved to Town road standards, or otherwise opened as a public road, that the parties to the agreement acknowledge the Town's absolute right to deny any petition to require the Town to improve the Shared Driveway to Town road standards and, additionally, acknowledge that the Town shall not have any obligation to ever maintain or repair the Shared Driveway in any manner whatsoever.

(2) A Shared Driveway shall have only one access to a public road or no more than 2 accesses separated by a minimum of 300 feet in rural areas and 150 feet in semi urban areas. A Shared Driveway shall not exceed 1,000 feet in length. The Shared Driveway is otherwise located, designed and constructed in accordance with the provisions of Section 12.10.

(3) The Person who owns the Parcels requesting a Shared Driveway can demonstrate (to the satisfaction of the Town Board) that construction of a Shared Driveway to serve multiple residences will minimize potential environmental degradation, enhance safety, and/or maximize the preservation of Agricultural Land as compared with multiple driveways.

B. Engineer's Plan. If, in the opinion of the Town Board, or the Administrator, conditions at the proposed Shared Driveway are such that a Shared Driveway meeting the standards of Section 12.10 or any other provisions of the Town's Code of Ordinances would be difficult or impossible to meet, the Town may

require submittal of an engineering plan by a registered professional engineer at the sole cost of the applicant.

Section 12.20 Specifications for the Construction of Driveways

(A) Slope. No Parcel with a slope of more than 20% shall be disturbed for the establishment, construction, improvement, modification, or reworking of a Driveway or Shared Driveway. No Driveway or Shared Driveway shall have a finished slope greater than 20%.

(B) Width, Rise, and Ditch Distance

(1) A single use Driveway shall be constructed and maintained with a minimum of a finished surface of 10 feet in width, with a minimum of 4 feet side slope on each side with a maximum slope of 1 foot of vertical rise for each 4 feet of horizontal distance. (Such a rise equals 25% slope.) There shall be a minimum of 18 feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side. The center of each ditch must be at least 9 feet from the centerline of the 10-foot road.

(2) Shared Driveways shall have a minimum surface width of 18 feet with a minimum of 4 feet of side slope on each side. There shall be a minimum of 26 feet from center of ditch to center of ditch.

(C) Culverts. Each Driveway or Shared Driveway shall have a culvert in accordance with Section 12.00 of the Town's Code of Ordinances.

(D) Access. The Access for each Driveway or Shared Driveway shall be located, designed and constructed in accordance with Section 12.00 of the Town's Code of Ordinances.

(E) Drainage. Ditches along the right-of-way, roadway crowning, and culverts shall be provided by the Person who owns the Parcel for acceptable drainage. The Driveway or Shared Driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.

(F) Long Driveways. In the case of Driveways or Shared Driveways which are long or which carry unusually large volumes of water runoff, the Town Board or the Administrator may direct the Person who owns the Parcel to construct a drainage ditch on one or both sides of the Driveway or Shared Driveway directing runoff to the roadway ditch or a drainage way on the Parcel.

(G) Roof and Storm Drains. No roof drain or other storm drain may discharge directly onto a Driveway or Shared Driveway sloping toward the Town right-of-way.

(H) Back Slopes. Ditch back slopes shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance. (Such a rise equals 33% slope.) Excluded from this grading requirement are Driveways or Shared Driveways for which retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board or the Administrator.

(I) Radius of Curves. Curves in the Driveway or Shared Driveway shall have an inside radius of no less than 36 feet.

(J) Erosion Control. Once the construction of the Driveway or Shared Driveway has begun, all specified erosion controls – including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding – shall begin immediately. For winter construction, erosion control alternatives must be implemented until specified controls are available.

(K) Substrate. The Driveway or Shared Driveway turn around area must have at least 4 inches of 2-inch rock on the roadbed, covered with 2 inches of ¾-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 2-inch rock may be modified or waived by the Town Board or the Administrator.

(L) Clearance. An area of at least 20 feet in width and 14 feet in height shall be cleared and continually maintained along the entire length of the Driveway or Shared Driveway in order to permit the safe passage of emergency and other vehicles to the structures served by the Driveway or Shared Driveway.

(M) Turnaround. Each Driveway or Shared Driveway and/or each branch of a Shared Driveway must have a turn around area adequate to permit turn around of emergency vehicles. Sketches of typical acceptable turnaround areas are attached as Appendix 12.20-A and incorporated herein.

(N) Costs. All costs of construction of said Driveway or Shared Driveway, including the cost of the culverts and Engineer's Plan, if required, shall be paid by the Person who owns the Parcel(s) to be served by the Driveway or Shared Driveway.

Section 12.21 Engineering Plan Components

(A) Components. If required by the Town Board or the Administrator, a plan prepared by a professional engineer registered in the State of Wisconsin will include drawings, drawn to scale, showing the following:

(1) Plan. A plan view showing the precise location of the Driveway or Shared Driveway, or the segment of the Driveway or Shared Driveway

that requires an engineer's plan in relation to property lines, structures and significant topographic features. Minimum scale: 1" = 40'.

(2) Profile. The profile of the Driveway or Shared Driveway showing no segment exceeding 20%. Also show ditch profiles and culvert slopes.

(3) Retaining walls. The location and structure of any retaining walls. Include design calculations for walls over 3' high.

(4) Culverts. The location and size of any culverts. Include hydraulic/hydrologic design calculation.

(5) Topographic map. Contour map of the contributing watershed enhanced to show drainage patterns in the vicinity of the new Driveway or Shared Driveway.

(6) Cross-section. A cross-section of the proposed Driveway or Shared Driveway.

(7) Erosion control. The required mulching, matting, silt fence or other erosion control measures in conformance with the WI Construction Site Best Management Practice Handbook.

(8) Certification. The plan will include the engineer's name, address, and signature; and a statement from the engineer that he has fully complied with all the provisions of Section 12.10.

(B) Approval

(1) Conditions. No construction of a Driveway or Shared Driveway may commence until the Plan is approved by the Town Board or the Administrator, until a driveway Siting permit is issued by the Town and, when applicable, any necessary approvals are obtained from Columbia County or the State of Wisconsin (see Sec. 86.07, Wis. Stats.). The preparation of an engineer's plan does not guarantee the Town's approval of the driveway Siting permit application.

(2) Inspection. After the Driveway or Shared Driveway has been completed, a minimum of 2 Town Board Supervisors or the Administrator shall inspect the Driveway or Shared Driveway to determine whether or not it was constructed according to the Plan and is otherwise consistent with the requirements of Section 12.00.

Section 12.22 Private Roads.

- (A) New Private Roads. New private roads in the Town are prohibited except as part of a condominium development as regulated by Chapter 6, Land Division.
- (B) Existing Private Roads. An existing Private Road is subject to the provisions of this Chapter 12 as applicable.

Section 12.23 Maintenance and Repair of Driveways, Shared Driveways and Private Roads

- (A) Maintenance and Repair of Permitted Driveway. Every Driveway or Shared Driveway for which an Access Permit and a Driveway Siting Permit has been issued shall at all times be maintained and repaired in accordance with all of the applicable provisions of Sections 12.00 and 12.10.
- (B) Maintenance and Repair of Existing Driveways, Shared Driveways and Private Roads. In the interest of the public safety and welfare, including to better insure emergency vehicle access, each Person who owns a Parcel accessed by a Driveway, Shared Driveway, or Private Road shall be required to comply with the provisions of Section 12.20 which, in the opinion and sole discretion of the Town Board or the Administrator, are reasonably necessary to foster the public safety and welfare objectives of this Section 12.23.
- (C) Inadequate Maintenance and Repair. In the event that the Town receives a written complaint, or the Town Board or the Administrator determines, in its sole and reasonable discretion, that a Driveway, Shared Driveway or Private Road required to be maintained or repaired under Section 12.23 is being inadequately maintained, repaired, or that other conditions exist resulting in a Driveway, Shared Driveway or Private Road that does not meet the requirements of this Chapter 12, as applicable, the Town Board or the Administrator shall notify the Person who owns the Parcel(s) in writing of the offending condition(s). Any Person who owns a Parcel failing to correct any condition(s) within thirty (30) days after written notice by the Town Board or Administrator shall be subject to one or more of the remedies provided for in Section 12.25.

Section 12.24 Modification or Waiver of Ordinance Provisions

- (A) Modifications or Waiver. Where, in the judgment of the Town Board, after considering the recommendation of the Plan Commission, the Town Board determines that it would be inappropriate to apply literally the provisions of Section 12.10 because an exceptional circumstance exists, or it is demonstrated that the provision is unnecessary, the Town Board may modify or waive any requirements to the extent deemed just and proper.

(B) Application. Application for any modification or waiver shall be made in writing by the Person who owns the Parcel on the application form provided by the Town. The application may not be filed until after an Access Permit has been sought from the Town and discussions occurred with the Administrator. The applicant shall set forth all facts relied upon to justify the modification or waiver request and the application shall be supplemented with maps, plans or additional data which may aid the Plan Commission and Town Board in the analysis of the proposed request.

(C) Factors. The Plan Commission and Town Board shall consider the following factors, in addition to any other factors deemed relevant:

(1) Whether granting the request for a modification or waiver will be detrimental to the public safety, health or welfare of the general public or injurious to other property or improvements in the neighborhood in which the Parcel is located.

(2) Whether the conditions upon which the request for a modification or waiver is based are unique to the Parcel and are not applicable generally to other property.

(3) Whether due to the particular physical surroundings, shape or topographical conditions of the specific Parcel involved, a particular hardship to the Person who owns the Parcel would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of Section 12.10 were carried out.

(4) Whether the alleged difficulty or hardship is caused by Section 12.10 and has not been created or self-imposed by the Person who owns the Parcel. It shall not be deemed to be a hardship merely because a Person desires a different Access and Driveway location, for whatever reason, if the Parcel can be otherwise accessed in compliance with Section 12.10.

(D) Vote and Decision. A majority vote of the entire membership of the Town Board shall be required to grant any modification or waiver of Section 12.10, and the reasons shall be entered in the minutes of the Board. The Town Board may impose such conditions or restrictions upon the permit benefited by the variance as may be necessary in the sole opinion of the Town Board. Upon action by the Town Board, the Town Clerk shall notify the Person who owns the Parcel in writing of the outcome.

(E) Consultation. The Plan Commission and Town Board shall have the power to call on the Town Engineer or other designee for assistance, including written reports, with respect to the modification or waiver requested.

Section 12.25 Violations

(A) Inspection. The Town or the Administrator is authorized to enter a Parcel with a Driveway, Shared Driveway or Private Road to inspect the Parcel prior to permit issuance for the purpose of determining whether to approve the permit, or to otherwise determine whether the Driveway, Shared Driveway or Private Road is in compliance with Section. If permission cannot be received from the Person who owns the Parcel subject to inspection, entry by the Town Engineer shall be by special inspection warrant pursuant to Sections 66.0119, Wis. Stats.

(B) Disclaimer. The Town's grant of any Driveway Siting Permit or subsequent inspection or lack thereof does not constitute a determination that the Driveway, Shared Driveway or Public Road is safe, suitable for use, or otherwise passable for the public or emergency vehicle. No Person may rely on the issue of a Driveway Siting Permit or any inspection to determine that a Driveway, Shared Driveway or Private Road is fit for any purpose.

(C) Stop Work Order. The Town or the Administrator is authorized to post a stop-work order upon any Parcel which has a permit revoked or to post a stop-work order upon any Parcel upon which a Driveway or Shared Driveway is being constructed in violation of this Section 12.10, including without a permit. The Town or the Administrator shall supply a copy of the stop-work order to the Town Attorney. In lieu of a stop-work order, the Town or the Administrator may issue a written cease and desist order to any Person who owns a Parcel Owner violating this Section 12.10. These orders shall specify that the activity must be ceased or brought into compliance with the order within seven (7) days. Any revocation, stop-work order or cease and desist order shall remain in effect unless retracted by the Town Board, or its Administrator, or by a court of general jurisdiction, or until construction of the Driveway or Shared Driveway is brought into compliance with this Section 12.10. The Town Board or the Administrator is authorized to refer any violation of this Section 12.10 or a stop-work or cease and desist order issued pursuant to this Section 12.10 to the Town Attorney for the commencement of further legal proceedings.

(D) Enhanced Forfeiture. Should a Driveway, Shared Driveway or Private Road be sited, constructed or maintained in violation of the provisions of this Section 12.10, or create a hazard that is not corrected within thirty (30) days of notification, the Parcel Owners or Owners through which the Driveway, Shared Driveway or Public Road passes, or which is accessed by same, shall, upon conviction, pay a forfeiture between \$75.00 and \$200.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense.

(E) In the event of a violation of Section 12.10, the cash deposits for purposes of Section 4.03 of the Town Code of Ordinances are established as follows: 1st offense \$75.00; 2nd offense (and each subsequent day of offense) \$125.00.

(F) Compliance. Compliance with the provisions of Section 12.10 may also be enforced by injunction after commencement of suit by the Town. It shall not be necessary to prosecute a forfeiture action before resorting to injunctive proceedings.

(G) Performance By Town. When the Town Board or the Administrator has determined that a Parcel Owner has failed to obtain a Driveway Siting Permit as required by this Section 12.10, or that the Person holding a Driveway Siting Permit has failed to make the improvements or to follow the approved conditions, or that any Person has failed to maintain or repair an existing Driveway, Shared Driveway or Private Road as required by Section 12.23 the Administrator may enter upon the Parcel and, with the approval of the Town Board, perform the required work necessary to rectify the non-conformity or restore the Parcel in compliance with this Chapter 12. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work and all costs of its consultants, including the Administrator and Town Attorney, and these costs and expenses shall be entered on the tax roll as a special charge against the Parcel or Parcels pursuant to Section 66.0627, Wis. Stats. Notwithstanding this authority, nothing herein shall impose any liability upon the Town for any purpose for failing to undertake such work at any time.

Section 12.26 Appeals.

(A) Appeal Process. Any Person aggrieved by any decision made in the administration of Section 12.10 may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Administrator. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the Parcel and Access and Driveway location in question, and the reasons for the appeal.

(B) Decision. The Town Board shall make a decision on the appeal within forty-five (45) days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present.

SECTION 12.30 NO PARKING ZONES ON TOWN ROADS

Section 12.30, No Parking Zones on Town Roads, consists of Sections 12.31 through 12.33.

Section 12.31

No person shall stop or leave standing any vehicle at any time on either side of all Town roads between the hours of 9:00 p.m. and 5:00 a.m., central standard time, except as provided by Section 346.50, Wis. Stats.

Section 12.32

The Town Chair or a designee is hereby authorized and directed to procure, erect, and maintain appropriate standard traffic signs and markings conforming to the rules of the state highway laws giving such notice of Section 12.31 as required by law.

Section 12.33

Any person violating Section 12.31 of Section 12.30 may be required to forfeit not less than \$20.00 nor more than \$40.00 for the first offense and not less than \$50.00 nor more than \$100.00 for the second and subsequent convictions within a year, together with the costs of prosecution, penalty assessments, and other charges as provided by Wisconsin Statutes.

Section 12.34

In the event of a violation of Section 12.31, the cash deposits for purposes of Section 4.03 of the Town Code of Ordinances are established as follows: 1st offense \$30.00; 2nd offense (and each subsequent day of offense) \$75.00.

SECTION 12.40 ROAD NAMES

Section 12.40, Road Names, consists of Section 12.41.

Section 12.41 Town Roads

In accordance with Sec. 81.01(11), Wis. Stats., which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the attached plat are hereby assigned. (see Appendix 12.41-A).

History Note: Chapter 12 Recodified 5/14/15.

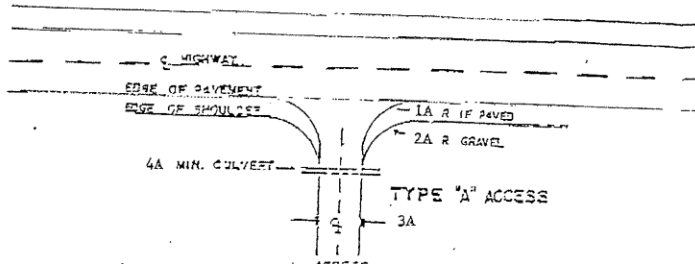
6/23/2015 N:\DOCS\WD\66158\4\P0007731.DOC

APPENDIX 12.05-A
ACCESS DESIGN STANDARDS

ACCESS DESIGN STANDARDS

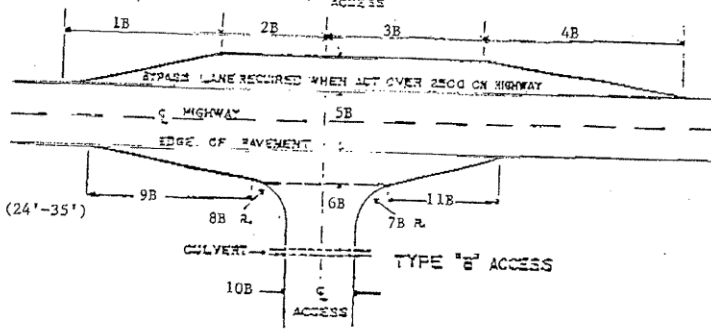
KEY

- 1A = 6.096m (20')
- 2A = 6.096m (20')
- 3A = 6.096m - 7.315m (20'-24')
- 4A = 7.315m (24')



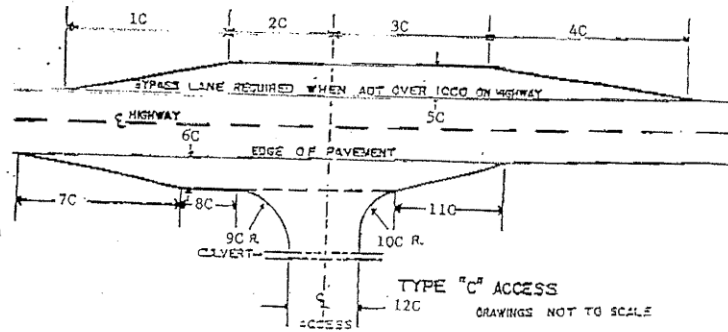
KEY

- 1B = 45.72m (150')
- 2B = 30.48m (100')
- 3B = 45.72m (150')
- 4B = 60.96m (200')
- 5B = 3.657m (12')
- 6B = 3.657m (12')
- 7B = 12.192m (40')
- 8B = 18.288m (60')
- 9B = 45.72m (150')
- 10B = 7.315m - 10.668m (24'-35')
- 11B = 30.48m (100')



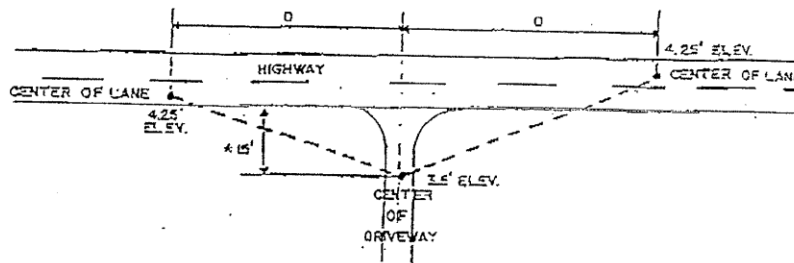
KEY

- 1C = 45.72m (150')
- 2C = 30.48m (100')
- 3C = 45.72m (150')
- 4C = 60.96m (200')
- 5C = 3.657m (12')
- 6C = 3.657m (12')
- 7C = 45.72m (150')
- 8C = 15.24m (50')
- 9C = 18.288m (60')
- 10C = 12.192m (40')
- 11C = 30.48m (100')
- 12C = 7.315m - 10.668m (24'-35')



APPENDIX 12.05-B
VISION/SITE CORNERS

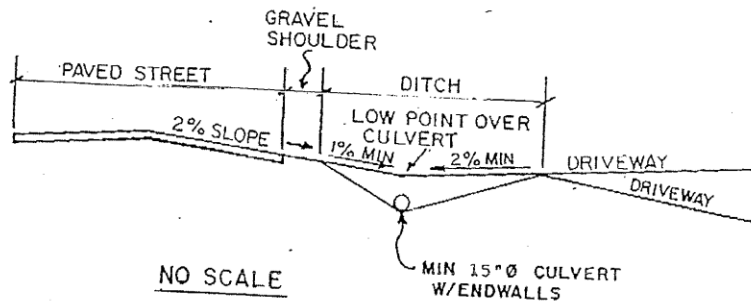
VISION/SITE CORNERS
DRIVEWAYS ONLY



* 15 FEET OR BACKEDGE OF RIGHT-OF-WAY, WHICHEVER DISTANCE IS FURTHER.

SPEED LIMIT	DISTANCE "D" - IN FEET
25	225
30	250
35	275
40	300
45	350
50	400
55	500

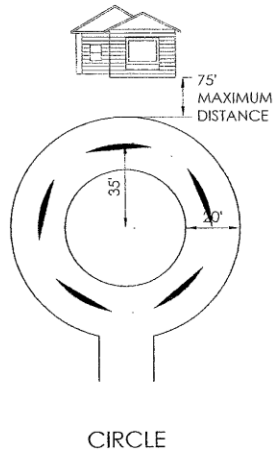
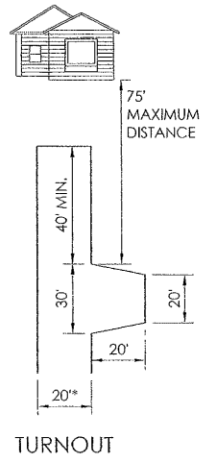
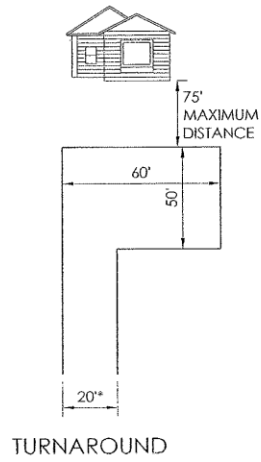
APPENDIX 12.05-C
DRIVEWAY STANDARD



NOTE
MINIMUM DRIVEWAY CROWN
OR CROSS SLOPE = 2%

DATE 6-2-93	JOB NO. L 142-92A
MEAD & HUNT, Inc.	
Consulting Engineers	
6501 Waco Road, Suite 101	
Arlington, VA 22204-1161	
DWN. BY	CGL

APPENDIX 12.20-A
 DRIVEWAY TURN AROUNDS



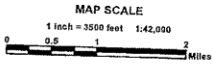
* DIMENSION FOR
 NON-SHARED
 DRIVEWAY IS 10' MIN.
 ** UNLESS OTHERWISE STATED,
 ALL OTHER DIMENSIONS
 ARE TO BE CONSTRUED AS
 MINIMUM STANDARDS.

NOT TO SCALE

APPENDIX 12.41-A

TOWN ROAD NAMES

GENERAL TRANSPORTATION MAP
FOR THE
TOWN OF WEST POINT
COLUMBIA COUNTY, WISCONSIN



KEY TO FEATURES	
Transportation Features	Other Features
Interstate Highway	Hydrography
US Highway / Urban Major USH	Municipality Boundaries
State Highway / Urban Major STH	TOWN OF LODI
County Highway / Urban Major CTH	Neighboring Municipality Name
Town Road / Town-Urban Road	Section Lines
Minor Urban Road	
Private Road	
Railroad	
Merinoas Ferry	
Dayle Lane	
Private Road Text	

