

ORDINANCE NO. 10-13-22D

**AN ORDINANCE TO ADOPT RESTATED CHAPTER 12
OF THE TOWN OF WEST POINT CODE OF
ORDINANCES**

WHEREAS, the Town of West Point's Plan Commission has reviewed and recommended to the Town Board that Chapter 12 of the Town's Code of Ordinances be amended and restated in its entirety; and

WHEREAS, the Town Board held a public hearing on the proposed restatement of Chapter 12; and

WHEREAS, after taking into consideration the recommendation of the Plan Commission and the input of the public, the Town Board desires to adopt the restatement of Chapter 12 as recommended by the Plan Commission;

NOW, THEREFORE, the Town Board of the Town of West Point hereby repeals its previous Chapter 12 and adopts, in place of its previous Chapter 12-Land Division, the restated Chapter 12-Driveways and Town Roads, set forth below:

CHAPTER 12 – DRIVEWAYS AND TOWN ROADS

SECTION 12.01 AUTHORITY

The Town Board of the Town has the authority to enact the provisions of this Chapter pursuant to Sec. 82.03(1), Wis. Stats., Chapter Trans. 231 of the Wisconsin Administrative Code, and by the Town's adoption of Village powers under Sec. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats.

SECTION 12.02 PURPOSE

The purpose of this Chapter is to regulate the access of driveways to public roads as well as the siting, construction and maintenance of Driveways and Shared Driveways. This chapter is also intended to regulate parking on Town Roads and the naming of Town Roads. This chapter is adopted to 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 Comprehensive Plan.

SECTION 12.03. JURISDICTION.

This Chapter applies to all Driveways and Shared Driveways on Parcels that are located within the Town, including those Driveways which access State Trunk and County Trunk Highways which are under the jurisdiction of the State and County respectively. Existing Shared Driveways and Private Roads constructed prior to August 4, 1988, are only subject to

certain provisions of this Chapter 12 as provided herein. The Driveway Siting and Construction Permit provisions of this chapter do not apply to Field Roads unless the provisions of Section 12.05(F)

apply. Any existing Driveway or Shared Driveway shall require a Driveway Permit upon a significant change of use or if the Driveway or Shared Driveway is significantly altered as determined by the Administrator.

SECTION 12.04 DEFINITIONS

(A) The following definitions are applicable to this chapter:

- (1) Access. Permission for a Driveway Connection within a public road property or right- of-way allowing access for motorized vehicles, except for State of Wisconsin funded snowmobile trails.
- (2) Administrator. The Town Engineer, or other designee of the Town Board.
- (3) ADT. Average Daily Traffic generated on a given road or highway.
- (4) Alter. Any change done to a Connection, Driveway, Shared Driveway, or Private Road beyond routine maintenance. This includes a change of use.
- (5) Applicant. Any Person, firm, corporation, or organization requesting a permit that has a freehold interest, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a permit is sought.
- (6) Change of Use. Any modification to a Parcel that results in a change in the number and/or types of vehicles using a Parcel's Connection, Driveway, Shared Driveway, or Private Road.
- (7) Columbia County or County. The County located in the State of Wisconsin within which the Town is located.
- (8) Connection. The portion of a Driveway, Shared Driveway, or Private Road, or recreational trail that is within a public road property or right of way and connects the driveway to the road access point.
- (9) Driveway. A private Driveway, Shared Driveway, Private Road, Field Road or other avenue of travel that runs through any part of a private lot or parcel of land, or that connects with or will connect with any public road or highway.
- (10) Driveway Permit. A permit from the Town issued under this chapter which may include a Driveway Connection permit, a Driveway Siting and Construction permit or both.
- (11) Driveway Connection Permit. A Driveway Permit allowing construction of the Connection portion of a driveway from the approved Access location on a public road to the remainder of the driveway.
- (12) Driveway Siting and Construction Permit. A permit from the Town authorizing the construction of a Driveway or Shared Driveway under Section 12.10.
- (13) Field Road. A gravel or dirt driveway used only for access to crop land or pasture land.

- (14) Land Divider. Any person, firm, corporation, limited liability company or other legal entity, who is Owner, or any agent thereof, dividing or proposing to divide land under this Chapter.
 - (15) Lot. A Parcel of land, other than a Large Agricultural and Open Space Parcel, intended for residential, commercial, or industrial uses having frontage on a public street or other officially approved means of access, occupied, or intended to be occupied by a building
or use, and sufficient in size to meet the Lot or Parcel Width, Lot frontage, Lot Area, yard, parking area and other Open Space provisions of the Town's Ordinances and the County Code.
 - (16) Modification. A one-time site-specific alternation of the normal requirements of this Chapter approved by the Town Board because of exceptional circumstances following the criteria and procedures provided in Section 12.24.
 - (17) Outlot. A Parcel of land so designated on a Final Plat or certified survey map approved by the Town.
 - (18) Owner. A natural person, firm, association, limited liability company, partnership, private corporation, public or quasi- public corporation, trust, or any combination thereof, owning land.
 - (19) Parcel. The area of land within the property lines of any Lot, Outlot, or other identifiable tract of land regardless of size.
 - (20) 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.
 - (21) Private Road. Any road, street, alley, avenue, parkway, lane, drive, boulevard, circle, bypass, or other pathways intended for the private use of motorized/non-motorized vehicles to obtain Access to more than four Parcels.
 - (22) Public Road. Any road, street, or alley under the jurisdiction of and maintained by a public authority and open to public travel by motorized vehicles including a Town Road, county road, state highway or federal highway.
 - (23) Shared Driveway. A private Driveway serving no more than four Parcels.
 - (24) Town. The Town of West Point, Columbia County, Wisconsin.
 - (25) Town Board. The Town of West Point Board of Supervisors.
 - (26) Town Clerk. The Clerk of the Town of West Point.
 - (27) Town Road. A Public Road or a segment thereof that is located within, is under the jurisdiction of, and is maintained by by the Town of West Point
 - (28) Waiver. A one-time site-specific exception from the normal requirements of this Chapter approved by the Town Board because of exceptional circumstances following the criteria and procedures provided under this Chapter.
- (B) Words used in the present tense include the future tense. The singular tense includes the plural, and the plural tense includes the singular. The word "shall" is mandatory and the word "may" is permissive.

SECTION 12.05 DRIVEWAY PERMITS - APPLICATION REQUIREMENTS AND PROCEDURES

- (A) Who Shall Apply. No Person who owns a Parcel shall site or construct or significantly alter a driveway without first obtaining a Driveway Permit from the Town.
- (B) Application Forms. The Town Board shall approve a form of application to apply for a Driveway Permit. The form shall be available from the Town Clerk or Administrator. A Driveway Permit shall consist of a Driveway Connection Permit, a Driveway Siting Permit, Construction Permit, and Temporary Driveway Permit.
- (C) Application. The Parcel Owner shall submit a completed Driveway Permit application together with the appropriate fee and a site plan, The following attachments may be required as determined by the Administrator.
- (1) Plat map.
 - (2) Aerial photo/site analysis.
 - (3) Soil/slope analysis.
 - (4) Erosion Control Plan meeting the requirements of the Town's Ordinance.
 - (5) Driveway Construction Plan or engineer's plan (if required by the Town Board or the Administrator.
 - (6) Other documents as deemed necessary by the Administrator.
- (D) Application Review. The permit application shall be reviewed and evaluated pursuant to the provisions of this Chapter and any other considerations deemed relevant by the Town Board or the Administrator.
- (E) Agricultural Land Impacts. The Administrator may require a change in the proposed design or location of a Driveway or Shared Driveway to minimize negative impacts to Agricultural Land. The Administrator's decision may be appealed in accordance with the procedures in s. 12.19.
- (F) Field Road Conversion. 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 this Chapter.
- (G) Temporary Driveway Permit. Where necessary and where public safety will not be compromised, the owner of a parcel may apply for and the Administrator may grant a permit for a temporary driveway. The conditions of the temporary driveway permit shall be stated and at the sole discretion of the Administrator, certain provisions of this chapter may be waived for the duration of the temporary driveway permit. The duration of the temporary driveway permit shall be identified but shall not exceed one year. Prior to the expiration of the temporary driveway permit, the temporary connection and driveway

shall either be entirely removed, or it shall be converted to a permanent driveway and connection as approved by a driveway permit.

- (H) Permit Application Denial. If an application for a Driveway Permit is denied by the Town, an applicant may not reapply for another Driveway Permit for the same site unless the Town Board or the Administrator is of the opinion that the design or circumstances for proposed driveway for the Parcel are substantially different than the prior application.
- (I) 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, prior to its expiration, may extend approval of the Driveway Siting Permit, under extenuating circumstances that reasonably delay the driveway construction.
- (J) Occupancy Permits. No Occupancy Permit shall be issued for new construction on a Parcel until the Access is complete and the Driveway or Shared Driveway is sited and constructed in accordance with the Driveway Permit issued under this Chapter to the satisfaction of the Administrator.
- (K) Permit Exemptions:
 - (1) A Driveway Connection Permit under this chapter is not required for a snowmobile trail access to a Town Road.
 - (2) A Driveway Connection Permit is required for a new Field Road; however, a Driveway Siting and Construction Permit is not required.

SECTION 12.06 COSTS OF PERMIT APPLICATION REVIEW

The amount of a Driveway Permit application fee shall be established and may be modified by Town Board resolution. An additional application fee may be established for complex driveways. 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 permit application shall be paid by the Applicant applying for the Driveway Permit, to the extent not covered by the application fee. The Applicant shall reimburse the Town for the costs within fifteen days of billing. In the event the Applicant 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 Applicant and Person who owns a Parcel acknowledges the Town's right to impose the special charge.

SECTION 12.07 DRIVEWAY CONNECTION TO TOWN ROADS

- (A) Existing Connection. Any Driveway Connection to a Town Road constructed in accordance with the Town ordinances then in effect, shall be allowed to continue, provided that any construction, alteration, or change of use of the Driveway Connection starting after the adoption of this Chapter, shall comply with the terms of this chapter, unless a waiver or variance is granted.
- (B) Access To Highway. Entrance upon or departure from a Town Road shall be prohibited except at locations specifically approved under this chapter. No Driveway shall be opened into or connected with any Town Road or converted from one use of Access to another use of Access and no culvert shall be installed within Town right-of-way without a Driveway 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 this Chapter 12.
- (D) Connection 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 this Chapter. If there are multiple residences on the adjacent parcels, the Administrator has the discretion to allow up to one access connection for each residence if the Administrator determines that there is a need for multiple access connections and that a safety hazard would not be created.
 - (2) Each residence shall have only one Connection to a Public Road.
 - (3) Commercial and industrial zoned Parcels may be allowed two points of Access provided they each separately meet the remaining criteria of this Chapter 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.
- (E) Design Standards for Access and Driveway Connections.
- (1) Any Driveway Connection within the Town Road right-of-way must comply with the following design standards:
 - a. Be so located as to not create a safety hazard for vehicles traveling on the Town Road or exiting and entering the Parcel. The Administrator, using accepted engineering standards, shall determine the permitted location for any Access and

Driveway with consideration given to the Town Road's classification, topography, and posted travel speed.

- b. To the extent possible, no Connection 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 Town Road intersection, nor shall Driveway be located closer than 15 feet outside of the extended pavement edge line at a "T" intersection.
- c. A Connection 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. Concrete may be prohibited as a Connection 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.
- d. Any Connection and Driveway to a Town Road without curb and gutter must be provided with a culvert. Culverts must 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. The Administrator may determine in special circumstances that a culvert may not be required.
- e. 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.
- f. 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.
- g. Drainage shall be directed from Access and Driveway to ditch or culvert on same side of Town Road.
- h. 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 Town Road whichever is less.
- i. Access and Driveway entrances shall be sloped away from the edge of the Town Road 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 Connection and Driveway shall be located at the center of any required ditch over the Access and Driveway culvert. If no ditch exists, the Connection and Driveway low point

shall be placed at the center of the future ditch as determined by the Administrator. If the Connection and Driveway slope down from the roadway, a swale shall be created over the center of any existing or future ditch.

- j. Unless approved in writing by the Administrator, in its sole discretion, at the time a Driveway Connection 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.
- k. Any proposed amendment of Access, whether new, resurface, or replacement, and any new or replacement culvert shall require a permit.
- l. Crowning or cross-sloping of Access and Driveway shall be provided with a minimum pitch of 2 percent toward the side of the Driveway.
- m. Where curb and gutter exist, they shall be removed at the Access and new gutter shall be provided within the Town Road right-of-way as required by the Administrator.
- n. The angle of an Access and Driveway shall be as close to 90 degrees with the centerline of the Town Road 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%.
- o. Facing Access and Driveway on opposite sides of a Town Road shall be located directly opposite each other whenever possible.
- p. 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.
- q. 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.
- r. 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.
- s. A bypass lane shall be required where the ADT of the Town Road that the Access and Driveway enters onto is 2500 or more for type B Access, and 1000 or more for type C Access.
- t. Existing Town Road property including road surfaces, curbs, shoulders, slopes, ditches, and vegetation shall be restored to its original condition as determined by the Administrator.

- u. Vision corners shall 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 Town Road, to two points 4.5 feet above the center of the nearest on-coming lane of the Town Road in each direction, at a distance of "D" from the point where the Town Road 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.
- (2) Additional information and the requirements relating to applicable standards for all new or altered Access and Driveway are illustrated on the Access and Driveway Standard incorporated herein. See Appendix 12.05-C.

SECTION 12.08 DRIVEWAY SITING AND CONSTRUCTION SPECIFICATIONS

- (A) Design and construction of commercial driveways is not governed by this section, 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.
- (B) Slope. No portion of a 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%.
- (C) 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.
- (D) Access. The Access for each Driveway or Shared Driveway shall be located, designed and constructed in accordance with this Chapter.
- (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. 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.

- (F) 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.
- (G) 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.
- (H) Radius of Curves. Curves in the Driveway or Shared Driveway shall be sufficient to safely accommodate emergency vehicles, with an inside radius of no less than 36 feet.
- (I) 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.
- (J) 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.
- (K) 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.
- (L) Turnaround. Except at locations where the speed limit is 25 mph or lower, turnarounds shall be provided so that vehicles do not need to back out onto a Town Road. Each Driveway or Shared Driveway and/or each branch of a Shared Driveway must have a turnaround area adequate to permit turnaround of emergency vehicles.
- (M) 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 12.09 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 shall include drawings, drawn

to scale, showing the following:

- (B) 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'.
- (C) Profile. The profile of the Driveway or Shared Driveway showing no segment exceeding 20%. Also show ditch profiles and culvert slopes.
- (D) Retaining walls. The location and structure of any retaining walls. Include design calculations for walls over 3' high.
- (E) Culverts. The location and size of any culverts. Include hydraulic/hydrologic design calculation.
- (F) Topographic map. Contour map of the contributing watershed enhanced to show drainage patterns in the vicinity of the new Driveway or Shared Driveway.
- (G) Cross-section. A cross-section of the proposed Driveway or Shared Driveway.
- (H) Erosion control. The required mulching, matting, silt fence or other erosion control measures in conformance with the WI Construction Site Best Management Practice Handbook.
- (I) 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 12.08.
- (J) 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 and Construction 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 and Construction Permit application.
 - (2) Inspection. After the Driveway or Shared Driveway has been completed, the Administrator shall inspect the Driveway or Shared Driveway to determine whether it was constructed according to the Plan and is otherwise consistent with the requirements of this Chapter.

SECTION 12.10 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, approved by the Town Board, 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 this Chapter.
- (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 this Chapter 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, as with all required components specified by Section 12.09.

SECTION 12.11 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 Section 12.12.

SECTION 12.12 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 this Chapter.

- (B) Maintenance and Repair of Existing Driveways, Shared Driveways and Private Roads. In the interest of the public safety and welfare, including to better ensure 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 12.08 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 12.12.
- (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 12.12 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 12.18.

SECTION 12.13 NO PARKING ZONES ON TOWN ROADS

- (A) 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.
- (B) Any amendment or change of Town Road right-of-way, is prohibited unless expressly approved by Town permit.
- (C) In addition to the provisions of par. (A), the Town Board may establish no parking zones the hours for enforcement of no parking. The Town Chair or a designee is hereby authorized to procure, erect, and maintain appropriate standard traffic signs and markings conforming to the rules of the state highway laws giving such notice of no parking zones as required by law.
- (D) Any person violating this Section 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.
- (E) In the event of a violation of this Section, 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 12.14 TOWN ROAD NAMES

In accordance with Sec. 82.03(7), Wis. Stats., which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the appendix to this chapter are hereby assigned. (*see* Appendix 12.41-A).

SECTION 12.15 CUTTING TREES ON TOWN ROAD RIGHTS OF WAY

No person may cut trees on a Town road property or a Town road right of way without the permission of the Town. The Town Board may establish guidance and procedures for tree cutting, trimming and maintenance on Town roads.

SECTION 12.16 ADMINISTRATION AND ENFORCEMENT

- (A) Administration. Applications for permits shall be made to the Administrator who shall review the proposed development or construction and shall either grant, deny, or require additional information on the proposed Access and Driveway based upon the provisions, standards, and requirements of this Chapter, within ten (10) working days.
- (B) Interpretation. The Town retains all restrictions on the use of land within the Town right-of-way except where such use is specifically allowed by permit, approval or Town Ordinance. Whenever it is questionable as to whether or not an object, or a part of an object, is within the jurisdiction of this Chapter 12, the entire object shall be considered to be presumed to be subject to the provisions of this Chapter.
- (C) 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.

SECTION 12.17 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 strictly apply the provisions of Section 12.08 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. A waiver under this section is not required for a temporary driveway permit issued by the Administrator. 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.

- (B) Factors. The Plan Commission and Town Board shall consider the following factors, in addition to any other factors deemed relevant:
- (C) 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.
- (D) 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.
- (E) Whether due to the 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 12.08 were carried out.
- (F) Whether the alleged difficulty or hardship is caused by Section 12.08 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 12.08.
- (G) 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 12.08, 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.
- (H) 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 12.18 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 this Chapter 12. 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 Section 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 Section 12.08, 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 Chapter. These orders shall specify that the activity must be ceased or brought into compliance with the order within seven (7) days. Any permit revocation, stop-work order or cease and desist order shall remain in effect until 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 Chapter. The Town Board or the Administrator is authorized to refer any violation of this Chapter or a stop-work or cease and desist order issued pursuant to this Chapter 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 Chapter 12, 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 this Chapter, 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. The forfeitures and cash deposits for parking violations shall be in accordance with Section 12.13.
- (F) Compliance. Compliance with the provisions of this Chapter 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 injunction proceedings.
- (G) Performance By Town. When the Town Board or the Administrator has determined that a Parcel Owner has failed to obtain a Driveway Permit as required by this Chapter, or that the Person holding a Driveway 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 this Chapter, or has otherwise violated this Chapter, 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.

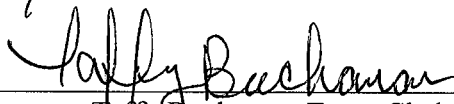
SECTION 12.19 APPEALS.

- (A) Appeal Process. Any Person aggrieved by any decision made in the administration of this Chapter 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 decide 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.

This Ordinance shall become effective upon the posting and publication, as required by law.

Adopted this 18 of October, 2022.

By: 
Ashley Nedeau-Owen, Town Chair

Attest: 
Taffy Buchanan, Town Clerk

Posted: October 27, 2022

Published: October 27, 2022

APPENDIX 12.05-A

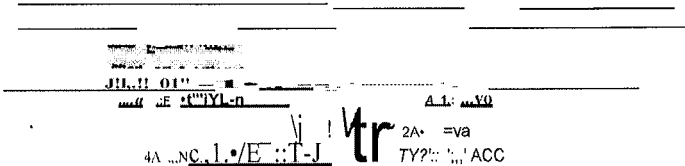
ACCESS DESIGN

STANDARDS

ACCESS DESIGN STANDARDS

KEY

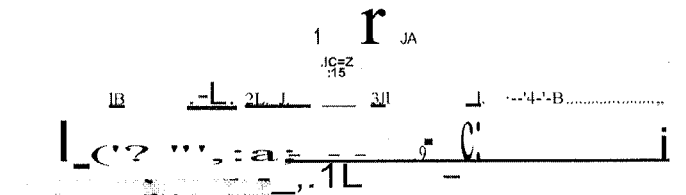
- 1A • 6.096m (20')
- 2A • 6.096m (20')
- 3A • 6.096m - 7.315m (20'-24')
- 4A • 7.315m (24')



SS

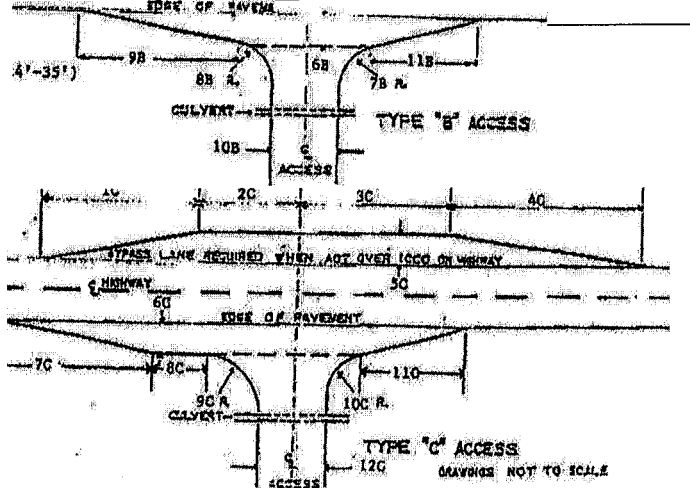
m:

- 1B • 45.72m (150')
- 2B • 30.48m (100')
- 3B • 45.72m (150')
- 4B • 60.96m (200')
- 5B • 3.6576m (12')
- 6B • 3.6576m (12')
- 7B • 12.192m (40')
- 8B • 18.288m (60')
- 9B • 45.72m (150')
- 10B • 7.315m - 10.668m
- 11B • 30.48m (100')



KEY

- 1C • 45.72m (150')
- 2C • 30.48m (100')
- 3C • 45.72m (150')
- 4C • 60.96m (200')
- 5C • 3.6576m (12')
- 6C • 3.6576m (12')
- 7C • 45.72m (150')
- 8C • 15.24m (50')
- 9C • 18.288m (60')
- 10C • 12.192m (40')
- 11C • 10.48m (100')
- 12C • 7.315m - 10.668m (24'-35')



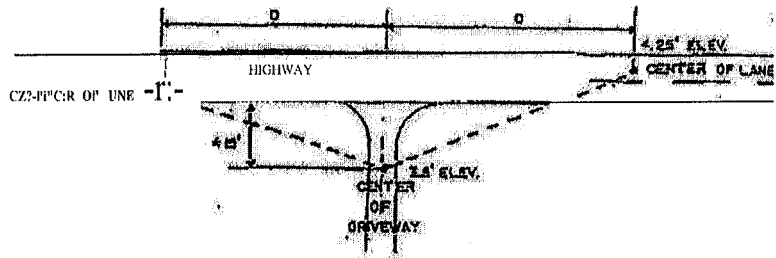
APPENDIX 12.05-B

VISION/SITE

CORNERS

VISION/SITE CORNERS

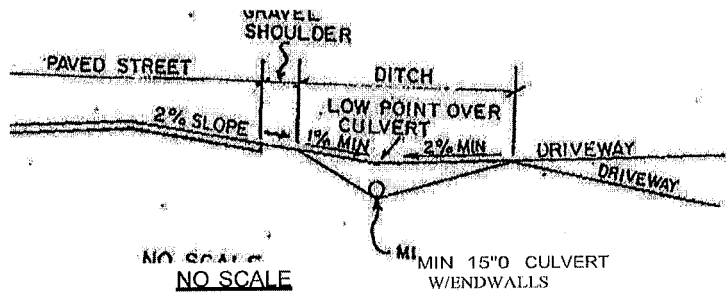
DRIVEWAYS ONLY



IS FEET OR 8 ACIADOE OF RECIIT-OF-HAY.
WHICHEVER DISTANCE IS FILLYHER.

SPE&O LTHU	DISTANCE 00 - INFE2T
25	225
30	250
35	275
40	300
45	350
50	400
55	500

APPENDIX 12.05-C
DRIVEWAY STANDARD



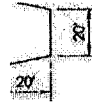
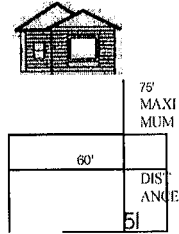
NOTE
MINIMUM DRIVEWAY CROWN
OR CROSS SLOPE = 2 %

~~5-4-99~~ **JOB NO. L142-92A**
-MEAD & HUNT, Inc.
Consulting Engineers
6501 W. 5th Rd., Suite 101
W. 11th St. N. 07100-1101
-OWK BY
CGL

APPENDIX 12.20-A

DRIVEWAY

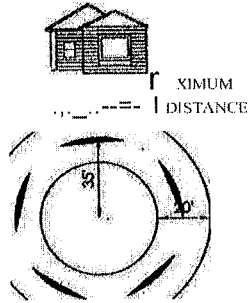
TURNAROUNDS



3

TURNAROUN
D

TURNOUT



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

CIRCLE

NOT TO SCALE