

Resolution No. 14-06/06
Supporting the Town of Sugar Creek's Ordinance Regulating Construction on Unimproved Roads

1 Moved/Sponsored by: County Zoning Agency

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3 **WHEREAS**, on April 25, 2006 Loren Waite, Sugar Creek Town Chairperson sent a letter and a
4 draft township ordinance to the Walworth County Board of Supervisors; and

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6 **WHEREAS**, the letter and accompanying draft ordinance are attached to this resolution marked
7 as handwritten numbers 1 through 4; and

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9 **WHEREAS**, the proposed ordinance proposes township regulation of building on unimproved
10 roads; and


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12 **WHEREAS**, the Town of Sugar Creek requests Walworth County Board approval of this
13 township ordinance as this regulation is more restrictive than the county code; and

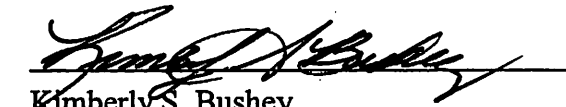
14
15 **WHEREAS**, the county zoning agency considered this proposed township ordinance and
16 determined that the township should administer this ordinance because not all townships in
17 Walworth County seek to regulate construction on unimproved roads; and

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19 **WHEREAS**, the Town of Sugar Creek understands that the township will be responsible for the
20 regulation, administration, and enforcement of this ordinance.

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22 **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that
23 Walworth County supports the proposed revisions to the Town of Sugar Creek's ordinance
24 related to regulating construction on unimproved roads; and

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26 **BE IT FURTHER RESOLVED** by the Walworth County Board of Supervisors that the
27 Walworth County Clerk is hereby directed to forward a copy of this resolution to the Town of
28 Sugar Creek.

29
30 
31 _____
32 Ann Lohrmann
33 County Board Chairperson

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31 _____
32 Kimberly S. Bushey
33 County Clerk

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36 County Board Meeting Date: June 13, 2006

This Resolution/Ordinance was:

Adopted: Roll Call/U.C./Voice


Rejected/Referred/Laid Over

37
38 Action Required: Majority X Two-thirds _____ Other _____ **Ayes:** _____ **Noes:** _____ **Absent:** _____
Date _____ 6-13-06

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:


Date 29 May 06
David A. Bretl
County Administrator/Corporation Counsel


Date 5-30-06
Nicole Andersen
Finance Director

If unsigned, exceptions shall be so noted by the County Administrator.

ORDINANCE NO. _____

AN ORDINANCE TO REGULATE CONSTRUCTION ON UNIMPROVED ROADS

WHEREAS, there are some unimproved roads within the Town of Sugar Creek, located on plats and

WHEREAS, constructing buildings, homes and locating people on such unimproved roads presents a threat to the public welfare and impedes providing public services to buildings and people on such properties.

The Town Board finds that public safety problems posed by building on unimproved roads include, but are not limited to the following:

Unimproved roads are not built with sufficient base to support fire trucks or garbage collection trucks which trucks then tear up the existing pavement, if any;

Such unimproved roads are not built wide enough and brush is not cleared wide enough to allow fire trucks or school buses to pass without damage to the vehicles and damage to the edge of the pavement, or create ruts where no pavement exists if any, thereby causing vehicles to get stuck in the muddy ruts at later times;

Such unimproved roads are not usually maintained or plowed making access to public services including mail delivery, garbage and recycling collection, law enforcement, ambulance, rescue, fire suppression services and school buses difficult. The failure to maintain and plow roads could result in blocking access altogether for emergency services. The Town of Sugar Creek does not provide public water or fire hydrants, thereby requiring tanker trucks to repeatedly leave a fire scene, reload and return.

Impaired access potentially means the difference between life and death or between saving the burning house and its residents or not saving the burning house and its residents.

NOW THEREFORE, the Town Board of Sugar Creek adopts this Ordinance.

Section 1. Definitions.

“Unimproved road” means any roadway, driveway, right-of-way or the like shown on a plat or certified survey map which does not meet the standards for town road established by the Town Board by ordinance, as amended from time to time.

Section 2. Prohibition. No new residential dwelling requiring a building permit shall be constructed under the following circumstances:

- A. When such construction would result in three (3) or more residential dwellings;
- B. Located on an unimproved road shown on a plat or certified survey map, and
- C. Which road is not dedicated to and accepted by the Town,
- D. Unless such lot or tract of land has direct frontage on a road meeting the standards of a town road.

Section 3. No construction, work, tree cutting or any other act related to any and all platted or unplatted roads shall be commenced unless and until a survey of said platted or unplatted road has been completed and provided to the Town Building Inspector and/or Town Highway Commissioner for his/her review and approval, provided said official in his/her discretion believes said survey is necessary. Notification shall be provided by Registered or Certified Mail by the individual obtaining the survey to all adjacent property owners prior to commencing said construction, work, tree cutting, or any other act. Proof of said mailing shall be provided to the Town Clerk of the Town of Sugar Creek. Any and all fees for said review shall be paid pursuant to the Town Driveway Ordinance.

Section 4. Modifications. The Town Board may approve or conditionally approve a modification from some or all provision of this Ordinance only when an unnecessary hardship exists.

The Town Board may approve or conditionally approve a modification when the property owner demonstrates that:

- A. The alleged hardship is based upon conditions unique to the property rather than considerations personal to the property owner; and
- B. The alleged hardship is not self-created;
- C. The alleged hardship does not comport with the purpose of this Ordinance; and
- D. The proposed modification is not contrary to public policy.

The Town Board must approve, conditionally approve, or deny a request for modification from the provisions of this Ordinance.

Section 5. Enforcement.

A. This Ordinance shall be enforced by the building inspector who shall withhold and refuse to issue building permits for structures that do not comply with this Ordinance.

B. Any person who violates this Ordinance shall be subject to a forfeiture in the minimum amount of \$100.00, up to the maximum amount of \$300.00. Each day a violation takes place or continues shall constitute a separate offense. Citations shall be authorized by the Town Board to be issued by the Town Attorney.

C. The Town Board may authorize filing suit in Circuit Court seeking an injunction for violations.

Section 6. Effective Date. This Ordinance is adopted pursuant to the Town's zoning powers, as well as the Town's police powers to act for the health, safety and welfare of the

people and property in the Town. Therefore this Ordinance can be adopted by the Town Board after a public hearing. It shall take effect after approval by the Walworth County Board.

Adopted on motion by Supervisor I, Dale Wuttke, seconded by Chairman, David Duwe, on the 18th day of April, 2011.

Attest:

Diane Boyd
Diane Boyd, Town Clerk

Approved:

David Duwe
David Duwe, Chairman

Dale Wuttke
Dale Wuttke, Supervisor I

David C. Robers
David Robers, Supervisor II

Date of publication: 4-28-11