

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 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.

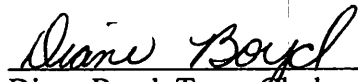
C. The Town Board may authorize filing suit in Circuit Court seeking an injunction for violations.

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, Town Clerk

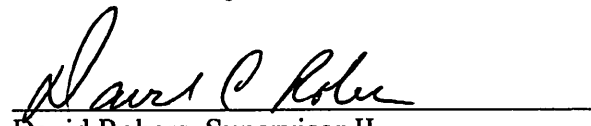
Approved:



David Duwe, Chairman



Dale Wuttke, Supervisor I



David Robers, Supervisor II

Date of publication: 4-28-11