
ORDINANCE NO. _____ORDINANCE REGARDING INSTALLATION OF DRIVEWAYS AND CULVERTS ON
TOWN ROAD RIGHT-OF-WAYS

The Town Board of the Town of Sugar Creek, Walworth County, Wisconsin, do hereby ordain as follows:

Section I - Permit for New Driveways

No person shall hereafter lay or install any driveway or install a culvert in connection therewith in the town road right-of-way within the Town of Sugar Creek without first obtaining a permit from the Town of Sugar Creek, and without first complying with the requirement of Section III of the Town Ordinance Regulating Construction on Unimproved Roads. All permits and compliance with the Town Ordinance Regulating Improvements on Unimproved Roads must be obtained before a building permit may be issued. There shall be a permit fee of \$100.00. The said permit is good for a period of 24 months from the date of original approval.

Section II - Permit For Existing Driveways

No person shall hereafter install a culvert or resurface any existing driveway in the town road right-of-way within the Town of Sugar Creek without first obtaining a permit from the Town of Sugar Creek, and without first complying with the Town Ordinance Regulating Construction on Unimproved Roads. There shall be a permit fee of \$50.00.

Section III - Form of Application

Every such application for a permit shall describe the public road adjacent to the culvert and/or driveway, the location of the culvert and/or driveway, and the nature of the work being undertaken by the applicant, together with the name and address of the applicant, the estimated date of commencement of work, and such other information as may be required by the Town Board. Permits shall be issued by the building inspector on a permit form approved by the Town Board.

Section IV - Condition of Permit, New Driveways

Any permit issued by the Town, pursuant to this ordinance, is subject to the following terms and conditions:

A. Placement. The driveway shall be placed as near as possible at a right angle to the roadway and shall be so located that there is a minimum of four hundred (400) feet of sight distance along the road in each direction. Any sight distance of less than four hundred (400) feet shall require a variance. A driveway shall not provide direct ingress or egress to or from a road

intersection area and shall not occupy areas of the road right-of-way deemed necessary by the Town Board for effective traffic control or for highway signs or signals.

B. Culvert. When required to provide for adequate surface water drainage along the road, the property owner shall provide any necessary culvert pipe at their own expense. The culvert, if needed, shall be of a type which will withstand the nature and type of traffic to be driven over it. Culvert shall be of such size to facilitate the drainage of water common to that area through said culvert. All excavation for culverts, etc. in the right-of-way will be done in a workmanlike manner and that said excavation, etc. will be completed in such a way as to cause minimal inconvenience to the public.

C. Elevation. The elevation of the finished driveway surface directly atop the culvert shall be four (4) inches below the elevation of the road edge at the driveway. Width of the driveway at the culvert shall be a minimum of sixteen (16) feet. The driveway shall be crowned so as to direct the runoff water away from the roadway and into the ditch. Any excavation or lawn seeding must slope away from the shoulder of the road for a minimum distance of four (4) feet at a minimum 6 to 1 grade. The property owner shall make another application to the Town for permission to place asphalt surfacing on the driveway if planned subsequent to the original culvert installation.

D. Obstructions. There will be no obstructions in connection with the construction of the driveway or the installation of a culvert to be placed in the right-of-way of any highway or street in the Town of Sugar Creek at an elevation any higher than the finished grade of the roadway adjacent thereto.

E. Concrete Surface. Any driveway, new or existing, which is to be surfaced with concrete, shall terminate such concrete surface before entering the town road right-of-way area.

F. Use of Driveway During Construction. All driveways shall be in place before any type of new construction begins. - The driveway shall provide the only means of ingress to or egress from the construction site. Any damage to the town road right-of-way including the road surface shall be repaired at the property owner's expense and in accordance with the road commissioners recommendation. All repairs must be completed before occupancy permit will be issued.

Section v - Conditions of Permit, Existing Driveways

Any existing driveway which is to be resurfaced in any manner will also be required to comply with Section IV (B), (C), (D), (E) and (F) of this ordinance.

Section VI - Modification

If a property owner feels hardship has been created due to the unusual terrain of their property an appeal may be made to the road commissioner for a modification on the conditions set forth by this ordinance.

Section VII - Penalty

Any person who shall violate provisions of this ordinance shall be fined \$250.00, upon conviction of said violation.

Section VIII - Additional Relief

Any driveway or culvert installed upon, under or over any highway right-of-way without a permit, or any such driveway or culvert which is installed contrary to the terms and conditions of the issued permit or of this ordinance, shall be deemed a highway encroachment and shall be subject to removal pursuant to Section 86.04 of the Wisconsin Statutes as it presently exists or as it may hereafter be renumbered or amended. Failure to obey or order for removal under Section 86.04 of the Wisconsin Statutes may result in a per diem forfeiture and the recovery of the Town's costs of removal.

Section IX - Repeal of Previous Ordinances


Any existing ordinances pertaining to the installation of driveways or culverts are hereby repealed.

Section X - Effective Date

This ordinance shall become effective upon and after its passage and publication.


Passed and Adopted by the Town Board of the Town of Sugar Creek, Walworth County, Wisconsin, this 18th day of April, 2011.


Attest:


Diane Boyd, Town Clerk

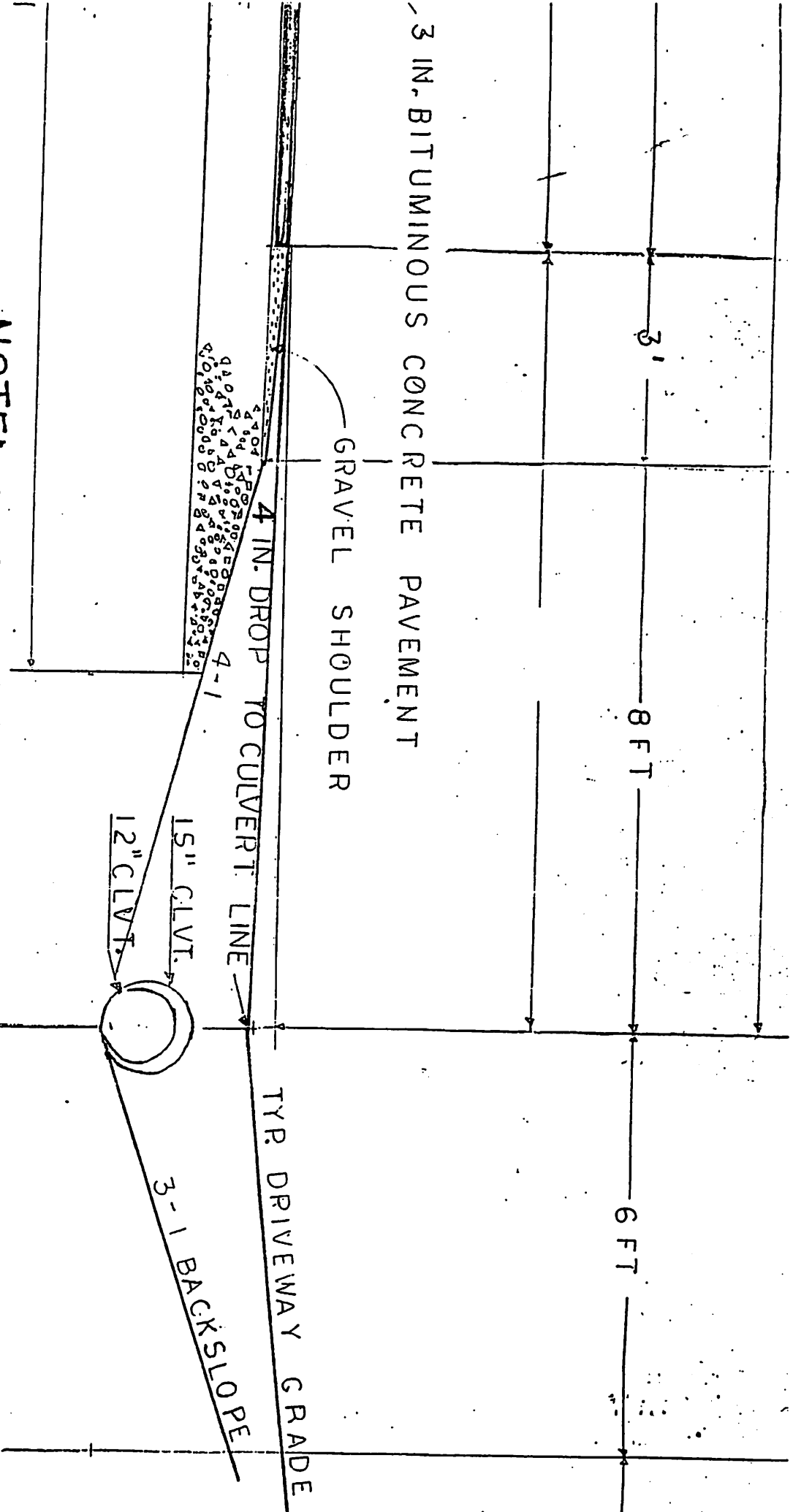
Approved:


David Duwe, Chairman


Dale Wuttke, Supervisor I


David Robers, Supervisor II

Date of publication: 4-28-11



NOTE: IF THIS CULVERT AND DRIVEWAY GRADE CAN NOT BE ACCOMPLISHED SEE THE TOWN ROAD COMMISSIONER FOR AN OPTIONAL VARIANCE

SCALE $\frac{1}{2}$ IN = 1 FT.
 DATE 5-3-93
 BY Joan E. Waite