

- 0-3-2016 -

Ordinance Amending the Town of Otter Creek Driveway Ordinance.

At the end of Section 2 of the Ordinance Regulating Driveways and Access to Town Roads, add the following:

The township may construct the portion of new driveways located in the road right of way or 33' from the center of the road at the request of the driveway applicant. Materials, equipment, and labor cost will be billed to the landowner or person applying for the driveway permit.

If construction of a new driveway does not meet the construction requirements specified in the driveway permit, the township may reconstruct the driveway to meet the conditions of the permit. Materials, equipment, and labor cost will be billed to the landowner or person applying for the driveway permit. The town board will set rates for this work.

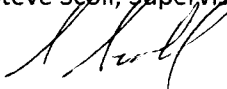
This amendment shall take effect after its passage and publishing as provided by law.

Adopted October 11, 2016 by the Town Board of the Town of Otter Creek, Dunn County, Wisconsin.

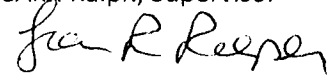
Mark Warner, Chairman



Steve Scoll, Supervisor



LeAnn Ralph, Supervisor



Anita Rundle, Clerk



**Ordinance Regulating Driveways and Access to Town Roads
Township of Otter Creek
Dunn County, Wisconsin**

Under authority of Section 59.97 and 86.02 of the Wisconsin Statutes and Sections 1.6(c) 1.6 (d) and 5.9.03 of the Dunn County Comprehensive Zoning Ordinance, the Town Board of Otter Creek Township adopts the following driveway ordinance.

Section 1

The Town Board shall have the authority to regulate all driveways providing access to Township roads, and to order changes and improvements to existing driveways that, in the judgment of the Board constitute a safety hazard, or may cause excessive damage to Township roads, or that are not of adequate width and construction to support heavy equipment if it is likely that such equipment will be using the driveway. The costs of such changes shall be the responsibility of the landowner or persons using the driveway.

The following form and information in triplicate will be required for all new driveways. The specifications of this form shall apply to driveways, however the Board may modify these specifications at its discretion when necessary to meet unique requirements present at a specific location.

PERMIT FOR ACCESS DRIVEWAY TO TOWN ROAD

Permit Number _____

Name and Address of Applicant _____ _____ _____ Highway: _____ County: _____ Town - Village - City: _____	Type of Driveway: _____ Number of Driveways: _____ Proposed Land Use: _____ Completion Date: _____
---	---

Location of Driveways (Driveway is to be marked clearly so as to be checked in approval process.)

_____ side of the highway _____ miles _____ of _____
 Quadrant _____ Section _____ Township _____ North Range _____

Description of Proposed Work (Include special restrictions, intersection clearances, other details and reference to any sketches which may be attached.)

Any driveways shall be constructed in accordance with all requirements, and any special conditions stated herein. The maintenance of the driveways shall be the responsibility of the applicant.

Issuance of this permit shall not be construed as a waiver of the applicant's obligation to comply with any more restrictive requirements imposed by local ordinances.

_____ Signature of Applicant	_____ Date
Approved by Town of: Town Chairman _____	_____ Date

Section 2

All new driveways require prior approval by the Town Board. The Board shall have authority to deny requests for driveways that are a safety hazard, that may cause damage to Township roads, that provide access to property which is out of compliance with zoning or other ordinances, that does not conform to driveway standards, or for other good reasons.

An existing driveway that has been used for intermittent access for purposes such as access to farmland, logging access, occasional recreational use, or has been abandoned will require a new driveway permit if the purposes it is used for change.

Changes requiring a new driveway permit include: construction of a permanent structure on previously unimproved land, subdivision of the land served by the driveway, granting an easement if the easement makes use of an existing driveway, or any changes in land or driveway use that is likely to damage roads or pose a risk to safety.

The Board shall have authority to require construction plans, specify the type of construction, including culverts, surface materials, base materials, and grades for all new driveways.

Easements granted after approval of this ordinance that provide access to Town Roads shall be a minimum of 66 feet wide unless the entire Board approves an exception based upon conditions unique to the situation found at the location.

The Board shall have authority to remove or close unapproved driveways at the expense of the landowner and shall have the authority to place these charges as an assessment on the parcel's property tax bill.

Section 3

Access to Township roads from all lands in the Township shall be only on approved driveways unless other access is granted by the Board. This provision includes but is not limited to access for commercial logging. Any damages caused by driving any equipment in ditches, shoulders, road surfaces, or road right of ways from any point other than an approved driveway shall be billed to the party causing damages and/or to the landowner. In cases where access to a Town Road without using an approved driveway has caused road damages, the Board shall have authority to bill an amount equal to triple the resulting damage plus any fines to the responsible parties.

Section 4

It is a violation of this ordinance to operate any type of equipment on a Township road in a way that causes damage to the road, shoulders, or ditches. Any person causing such damages shall be responsible for paying the full cost of all repairs needed to restore the

road. The Board shall have authority to bill an amount equal to triple the resulting damages to the responsible parties when damage is caused by willful violation of posted weight limits or other terms of this ordinance.

It is a violation of this ordinance to conduct logging operations within the right of way of any Township Road without permission of the Board. It is permissible to cut and remove timber within road right of ways but it is specifically forbidden to skid logs on, over, to, or across road surfaces and shoulders, or through, on, over and across ditches located within road right of ways. Logs may not be stockpiled on road right of ways or loaded to vehicles parked on road right of ways without written permission of the Town Board. Permission of the Board to stockpile or load logs does not relieve loggers or landowners of their obligation to pay for all damages caused to roads by these operations.

Landowners or occupants of land who are engaged in gathering firewood or logs for their own use shall be exempt from this section, provided that their activities do not result in damages on road right of ways. Payment for any damages caused by these activities shall be the responsibility of the landowner. If the Board believes that these activities are causing or likely to cause damage they have the authority to require that access be limited to approved driveways.

Section 5

The Township will charge a fee for driveway permits. The Board will set this fee annually.

The Town Board shall have the authority to levy the following penalties to enforce this ordinance: a fine of up to \$100 per day for driveways installed without permission after the date which this ordinance takes effect; a fine of up to \$500 per occurrence for gaining access to a Town Road without use of a driveway which results in damage to the road right of way or with any type of equipment with a gross weight of over 20,000 pounds; a fine of up to \$1000 per occurrence for conducting unauthorized logging operations within road right of ways. Each day that such an activity takes place shall be considered an occurrence. The Town Board shall have the power to collect full payment for all damages to roads as specified in the above Sections. The Board shall also have the power to assess payment for all necessary legal fees and other expenses entailed in the enforcement of this ordinance and interests costs at the rate of 1.5% per month for unpaid fines, damages, or legal expenses. The Board may collect these fees by placing a special assessment on the property tax bill for the land parcel where these violations occurred.

Section 6

The Board may designate one of its members to issue permits and enforce this ordinance. The Board will retain the authority to review permits and enforcement at its discretion and will retain ultimate authority to administer the terms of this ordinance.

Section 7

Should any section of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining sections.

Section 8

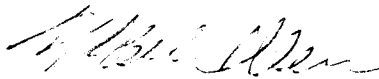
With the enactment of this ordinance, the Town of Otter Creek is repealing any previous ordinances or resolutions which may be in conflict with the terms of this ordinance.

Section 9

This ordinance shall take effect on May 3, 2006 and publication as provided by law. (4-19-06)

Adopted this May 1, 2006 by the Town Board of the Town of Otter Creek, Dunn County, Wisconsin

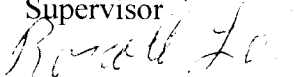
Chairman



Supervisor



Supervisor



Filed on: April 11, 2006

May 9, 2006

Clerk



Published: April 19, 2006

The following driveway specifications shall apply:

- Minimum road surface width.....12 Feet
- Minimum width clearance.....24 Feet
- Minimum height clearance free of trees, wires, etc.....18 Feet
- Minimum site distance ca. way from end of driveway.....300 Feet
- Maximum grade.....10%

At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for safe passage of meeting vehicles. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town in considering an application for driveway approval.

If culverts are required, the recommended minimum diameter shall be 12". At the dead end of all new driveways, a turn around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board.

The following driveway specifications shall apply:

- Minimum road surface width.....12 Feet
- Minimum width clearance.....24 Feet
- Minimum height clearance free of trees, wires, etc.....18 Feet
- Minimum site distance ca. way from end of driveway.....300 Feet
- Maximum grade.....10%

At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for safe passage of meeting vehicles. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town in considering an application for driveway approval.

If culverts are required, the recommended minimum diameter shall be 12". At the dead end of all new driveways, a turn around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board.

If culverts are required, the recommended minimum diameter shall be 12". At the dead end of all new driveways, a turn around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board.

At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for safe passage of meeting vehicles. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town in considering an application for driveway approval.

- Minimum road surface width.....12 Feet
- Minimum width clearance.....24 Feet
- Minimum height clearance free of trees, wires, etc.....18 Feet
- Minimum site distance ca. way from end of driveway.....300 Feet
- Maximum grade.....10%

The following driveway specifications shall apply:

If culverts are required, the recommended minimum diameter shall be 12". At the dead end of all new driveways, a turn around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board.

At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for safe passage of meeting vehicles. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town in considering an application for driveway approval.

- Minimum road surface width.....12 Feet
- Minimum width clearance.....24 Feet
- Minimum height clearance free of trees, wires, etc.....18 Feet
- Minimum site distance ca. way from end of driveway.....300 Feet
- Maximum grade.....10%

The following driveway specifications shall apply: