

Town of Oconto Falls

Oconto County, Wisconsin

Chapter 15: Access Control and Driveway & Culvert Regulations

**Adopted by Town of Oconto Falls Board of Supervisors
on September 12, 2016**

TOWN OF OCONTO FALLS
Chapter 15: Access Control / Driveway & Culvert Regulations

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ARTICLE I: GENERAL

15.01 Title and Purpose. The purpose of this Chapter is to regulate the establishment, construction, improvement, modification, or reworking of a driveway to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Oconto Falls Comprehensive Plan, as adopted and amended from time to time, and to limit and regulate access by motor vehicles to any **Town road or highway**. This is not a Town zoning ordinance.

15.02 Authority. This article is adopted under the authority granted by Chapters 60.01, 60.10, 60.22, and 61.34, 66.0425, 86.0, and 236, Wis. Stats.

15.03 Adoption of Ordinance. The Town of Oconto Falls Board of Supervisors (hereafter, the Town Board), by this Chapter, on the proper notice with a quorum and roll call vote of the majority of the Town Board present and voting, provides the authority of the Town to require and permit certain highway access location, driveways, and culverts in the Town.

15.04 Definitions. (1) For the purposes of this Chapter, the following words are defined:

- (a) Agricultural land. Any land within the Town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural program.
- (b) Driveway. Any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide serve to a residence, business, recreational site, farmland or other similarly appropriate use.
- (c) Emergency vehicle. Any fire, police ambulance or first responder vehicle used in emergency or hazard activities in the Town.
- (d) Field drive. A special type of driveway that provides access from a town road to farmland or other adjacent vacant land. A field drive cannot be converted to a residential or commercial driveway without application and approval for a new driveway.
- (e) Highway. A way or thoroughfare, except a waterway, that is used for vehicular travel by the public.
- (f) Impacted landowner. An owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.
- (g) Town. The Town of Oconto Falls, Oconto County, Wisconsin.
- (h) Town Board. The board of supervisors for the Town of Oconto Falls, Oconto County, Wisconsin and includes any designee of he board authorized to act for the board.
- (i) Town Building Inspector. The individual hired by the Town Board to act in this capacity.
- (j) Town Clerk. The Clerk of the Town of Oconto Falls, Oconto County, Wisconsin.
- (k) Wis. Stats. The Wisconsin Statutes, including successor provisions to cited statutes.

ARTICLE II: ACCESS CONTROL

15.05 Purpose and Intent. The purpose of this article is to promote the safe and efficient ingress and egress to Town roads in the interest of public safety, convenience and general public welfare; to protect the public investment in roads by preventing premature function obsolescence; to reduce accidents caused by frequent and poorly designed points of access; promote the balanced use of land for the mutual protection of landowners, motorists, and the Town of Oconto Falls; to enhance the road appearance for making Town road travel more pleasant.

15.06 Jurisdiction. These regulations shall apply to all Town roads except roads in approved

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subdivisions.

15.07 Compliance. (1) Any person, firm, corporation, municipality or other entity seeking access from lands abutting Town roads shall comply in all respects with the requirements of this article and the following:

- (a) Applicable Town ordinances and regulations.
- (b) The Town of Oconto Falls Comprehensive Plan, as adopted and amended from time to time.
- (c) Any Town of Oconto Falls Official Map.

15.08 Right of Access. (1) Each existing parcel of land abutting a Town road at the time of enactment of this Chapter shall be entitled to private access when in compliance with the provisions of this article.

- (2) After the enactment of this Chapter, an Access Permit shall be required for new access to any Town road(s) from lands abutting such Town road(s).

15.09 Approval Necessary for Obtaining Access. (1) No entrance upon or departure from the Town's roads designated as controlled-access roads in this article shall be permitted except at places specially designated and provided for such purposes.

- (2) No public street or highway shall be opened into or connected with any controlled-access Town road under this article or converted from a private access, an agricultural access or a trail access to a public access without review by the Town of Oconto Falls Plan Commission (the Plan Commission) and approval by the Town Board. Such approval shall be given only if the public interest shall be served thereby, and it shall specify the terms and conditions on which such approval is given.
- (3) No private access point, agricultural access, or trail access may be opened into or connected with a controlled-access Town road under this article without review by the Plan Commission and Town Board and approval by both. Such approval shall be given only if the public interest is served, and it shall specify the terms and conditions on which such approval is given. In the interest of public health, safety and general welfare, the Town Board may at any time revoke this approval or require modification in the access. The permit granted by the Town shall be for private access, trail access, or agricultural access only, and this permit cannot be transferred between those different uses. A new permit must be approved if a use changes or if another use is added.

15.10 Vacation of Access Control. A controlled-access highway shall remain such until the access control is revoked by the order of the Town Board. The Town Board may revoke access control on a Town road or part thereof, provided that, after a traffic engineering survey investigation and access control study and a public hearing, the Town Board finds that the revocation on such highway or part thereof is in the public interest. The Town Board shall record the formal notice of revocation of access control on the Town road.

15.11 Existing Points of Access. All existing points of access may be continued after the adoption of this article. However, if the Town Board believes that the use of an access has been discontinued for a period of 365 or more consecutive days, the Town Board shall notify the owner by certified mail that it is considering vacating the access, and the Board shall allow the owner the opportunity to reply. In the event the Town Board decides that the access has been abandoned for one year, the Town Board may require the access be vacated. If so determined, it is illegal to use this access point thereafter.

15.12 Change of Use. Any point of access permitted under this article shall be subject to review by the

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Town Board. After such review, the Town Board may determine that there has been a change in use which will affect safe and efficient ingress and egress to a controlled Town road. This determination shall be based primarily on significant change in volume of traffic or the type of vehicle using that point of access. Upon such determination, the Town Board may require modifications to the access to meet the standards and specific provisions identified in Section 15.18 and Section 15.19 of this Chapter or it may revoke the access unless otherwise provided herein.

15.13 Spacing and Frequency. (1) One access may be permitted for each parcel of land as defined under a previous section. When a parcel abuts two or more Town roads, the Town Board will determine to which road(s) access shall be provided.

(2) A maximum of eight access points per mile per side of a Town road shall be permitted, unless there is no other way to provide access to an existing parcel.

15.14 Design. The design of driveway or street intersections for appropriate sight distance, return radius, angle, profile, width, parking and internal circulation shall be based on minimum standards of the American Association of State Highway and Transportation Officials, the National Cooperative Highway Research Program Report No. 93, "Guidelines for Medial and Marginal Access Control on Major Roadways," and Sections Trans 231.03 to 231.07, Wis. Adm. Code, and shall comply with the provisions of the access permit issued by the Town Board. In locating access points along Town roads, consideration shall be given to the alignment of the proposed intersecting streets directly across from each other in order to facilitate safe and efficient flow of traffic across the road.

15.15 through 15.19 Reserved for future use

ARTICLE III: DRIVEWAYS AND CULVERTS

15.20 Driveways and Culverts Required. No person, partnership, company, or corporation shall, by means of a vehicle, enter or cause to enter any parcel or parcels of land from any Town road or highways, unless a culvert (if required due to the specific circumstance of the site) and driveway has been provided for said parcel or parcels of land, unless seemed unnecessary by the Town Board. If a field is entered where no driveway is designated and there is damage to the road, the owners of the property are responsible for repair of said damage to the road.

15.21 Installation Requirements. (1) All driveways installed, altered, changed, replaced, or extended shall meet the following requirements and must be approved as to location by the Town Board.

- (a) Openings for vehicular ingress and egress shall be:
1. For residential properties, a minimum of 24 feet at roadway and 20 feet at the right-of-way.
 2. For agricultural properties, a minimum of 35 feet at roadway and 20 feet at right-of-way.
 3. For commercial/industrial properties, a minimum of 50 feet at roadway and 35 feet at right-of-way.
- (b) No driveway shall be closer than 75 feet to an intersection of two streets. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection areas and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
- (c) Driveways must be located at least 6 feet from all lot lines, and extensions thereof.
- (d) Areas between driveway openings shall be provided with a minimum of 12 feet between all driveway culverts.
- (e) Any overhead obstruction shall be at least 14 feet high and set back at least 33 feet from the centerline

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of the road.

- (f) No driveway apron will extend out into the street farther than the near edge of the Town road pavement and under no circumstance shall such driveway extend above any road pavement. All driveway entrances and approaches shall be constructed as to not interfere with the drainage of streets, side ditches, or roadway areas or with any existing structure on the right-of-way.
- (g) Driveways shall in all cases be places wherever possible as not to interfere with utilities in place. Any costs of relocation utilities shall be the responsibility of the property owner. Approval of the Town is required for relocation utilities.
- (h) Driveway pavement materials within the Town right-of-way shall be compatible with adjacent Town pavement material, limiting it to crushed gravel, crushed rock, and bituminous products. Concrete pavement shall end a minimum of 10 feet from the Town road pavement. Oil or petroleum products shall not be used in right-of-way areas where it can be tracked onto and effect a Town **road or highway**. The bottom course of the driveway must be constructed of a maximum of 6" of crushed gravel on top. In no case shall the granular material or subsequent permanent surfacing be constructed higher than the adjacent roadway or highway pavement.
- (i) The maximum number of driveways opening for vehicular ingress and egress permitted for lots with a continuous road frontage of less than 200 feet shall be one and for lots with continuous road frontage of 300 feet or greater may be two if the driveway does not meet an arterial road (those with greater than 66 feet of right-of-way). The number of driveway openings for agricultural parcels upon which the actual agricultural activities are practiced must be reasonable as determined by the Town Board.
- (j) All culverts shall be 16 inches in diameter or larger unless specified by a Town Officer as follows:
 - 1. Minimum length shall be 24 feet plus endwalls for residential, 50 feet plus endwalls for others.
 - 2. Distance between culvert ends is 12 feet.

15.22 Regulation for Construction of Driveway to Service More Than One Parcel of Land.

Approval required. No person partnership, company, or corporation shall construct or permit to be constructed within the Town any driveway arranged or planned to serve more than one parcel of land used for residential purposes unless approval shall first be obtained from a Town Officer, following review and recommendations (location, width, and general plans) for such driveway.

15.23 Structures and Construction in Town Right-of-Way Regulated. (1) Permit Required. No person partnership, company, or corporation shall erect or install any structure, fence, sign, wall, pavement, or other vehicle access nor perform or arrange for any construction within or upon the Town road or highway right-of-way without first obtaining a written permit from the town with the exception of a mailbox and boxes installed for the delivery of newspapers.

- (2) Mailboxes. Mailboxes and newspaper boxes shall be installed in accordance with US Postal Service regulations (available at the Post Office). However, landowners are encouraged to follow the recommendations of Wisconsin Transportation bulletin #14 referring to mailbox safety. Mailbox supports and attachments shall be strong enough to with stand the pressure and thrust of plowed, wet snow, but shall not be so formidable and massive as to damage vehicles and cause serious injuries to people who may strike them. Mailboxes and newspaper boxes must be placed on the same side of the road. The shoulder used by mail and newspaper carriers is to be maintained by the landowner.
- (3) Existing Structures and Obstructions. Any existing structure, sign, fence, wall, pavement or other obstruction (including trees and agricultural products) which, in the judgment of the Town, will prevent proper snow removal from the pavement and shoulders or mowing of ditches on the Town road or highway, shall be removed by the owner of the property within 15 days of receiving written notice from the Town. If the owner does not remove said structure or obstruction, within the allotted

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time, the Town shall remove or make arrangements to have the obstruction removed and the expense of removal shall be charged to the property owner as a special assessment, after notice and hearing.

15.24 through 15.29 Reserved for future use

ARTICLE IV: COVERAGE

15.30 Driveway Permit. No person shall establish or construct a driveway or reconstruct, or alter the existing slope of any existing driveway or any Town or other road or highway right-of-way in the Town without obtaining a Town Driveway Permit to be issued by the Town Board.

15.31 Access Permit. No person shall establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a Town road or highway without first obtaining an Access Permit to be issued by the Town Board.

15.32 Legal Interest. Any person prior to and at the time of seeking a Town Driveway Permit or Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

15.33 Requirements. (1) Commencing after the effective date of this Chapter and upon receipt of written Notice from the Town, no landowner may maintain or use, or allow the maintenance or use of, any existing driveway on the landowner's land for general public or emergency vehicle access to and from a residential dwelling in the Town if the driveway, for any structural location, or design reasons has been determined by the Town Board or its agents, in writing and to substantially limit or negate safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwelling served by the driveway.

(2) The Town Board shall serve upon any potentially impacted landowner a copy of its written determination under Chapter 15.43(1) that a driveway substantially limits or negates safe and timely vehicle access and travel to general public or emergency vehicles to and from the residential dwellings served by the driveway. The determination of the Town Board shall not be final until a public hearing before the Town Board has been held. The Town Board shall public a class 2 notice, under Chapter 985, Wis. Stats., of the public hearing.

(3) The copy of the Town Board's written determination and notice of the public hearing on the Town Board's determination shall be served by registered or certified mail on any potentially impacted landowners within twenty (20) days of the making of the written determination and at least ten (10) days prior to the hearing date. The notice shall include the names of all impacted landowners and the location of the subject driveway in that due to existing condition of the driveway emergency vehicle access to the dwellings served by the subject driveway may not be possible.

(4) Any potentially impacted landowner may provide at the public hearing evidence regarding access provided by and condition of the driveway. Any potentially impacted landowner may be represented by legal council at the public hearing and may present witnesses and cross examine witnesses presented by the Town Board. All witnesses testifying before the Town Board shall be under oath. No person testifying before the hearing shall vote as a member of the Town Board in making a final determination regarding the subject driveway.

(5) The Town Board, at or after the hearing, may order that the Town Attorney seek a court order

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providing any of the following:

- (a) The driveway be closed for general vehicle use, but not closed to emergency vehicle use, until the driveway is structurally designed and reconstructed to allow for safe and timely general public and emergency vehicle access to and from the residential dwellings served by the driveway.
- (b) That the driveway be reconstructed or repaired to allow for safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway in a proper manner and in reasonable time specified by the Town Board and if the driveway is not so reconstructed or repaired by the date specified, the Town Board may have the driveway repaired or reconstructed and the cost assessed as a special assessment under its police power under Chapters 66.0701 and 66.0703, Wis. Stats., against the land.
- (c) Other reasonable and necessary action that will serve to protect the public health and safety of persons within the Town, including the owner, occupant or guest of the owner of the land.

15.34 through 15.39 Reserved for future use

ARTICLE V: APPLICATION / PERMIT PROVISIONS

15.40 Application. A Town Official shall approve a form for application for both the Driveway Permit and Access Permit, which shall be available from the Town Clerk.

15.41 Procedures for Evaluation. (1) Application and any required Driveway Permit or Access Permit by the Town Official, including any required site inspection of the proposed driveway or access, public hearing, and Town Board meetings are as follows:

- (a) Obtain a copy of this Chapter and the Driveway Permit and/or Access Permit from the Town Clerk.
- (b) Have the Driveway Permit and Access Permit filled out and submitted with other required documents to the Town Clerk two weeks prior to the next town Board Meeting.

15.42 Access Plan. (1) The Applicant shall submit a completed Application for Access Plan to the Town Clerk for approval by the Town Board prior to the issuance of any Access Permit as described in Section 15.21 of this Chapter. The Access Plan shall include all of the following:

- (a) Sketch Map. A rough sketch, drawn on a Plat Map or Certified Survey Map, showing the location(s) of proposed access to a Town road. The Sketch map may be submitted to the Town Board prior to other required document in order for the Town Board to provide initial comments. The sketch map need not be prepared by a surveyor but shall be approximately to scale and shall show dimensions and locations of improvements, if any.
- (b) Driveway and Culvert Plan. A driveway and culvert plan, as required and consistent with Article III of this Chapter.
- (c) Other Documents. Any other documents as required by the Town Board and/or Plan Commission as deemed necessary to fully review the proposed access location(s).

15.43 Access Permit. (1) In order for any new access point on a Town road to be reviewed or approved, an Application for Access Permit shall be made to the Town of Oconto Falls Town Clerk (hereafter the Clerk). The Applicant for an Access Permit shall submit to the Town a completed Application for Access permit with the appropriate fee.

- (2) The Building Inspector or other designee of the Town Board shall conduct periodic inspections to determine compliance with the ordinance provisions and shall maintain permanent records of date submitted and permits issued.

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- (3) An access permit shall expire one year from the date of issuance if evidence of use has not been established within that time.
- (4) Upon issuance of a permit, the point of access shall be inspected during and after construction.
- (5) When violations occur, the Town Board shall revoke the access permits.

15.44 Data Requirements. The Town Board may require submission of a scale drawing showing the property lines, the topography, streams, lakes and ponds, marshes and the location of the existing and proposed buildings and structures, together with engineering data as deemed necessary for the design of intersection.

15.45 Review and Decision. (1) Procedures for the evaluation of the Application for Access Permit, including any required site inspection and Town Board meetings, are as follows:

- (a) No person shall commence construction of any driveway or other access to a Town Road prior to issuance of an Access Permit.
- (b) The Town Board and/or Building Inspector shall review the Application for Access Plan, including Sketch map, to determine whether the proposed access is consistent with the Town Code.
- (c) The Town Board and/or Building Inspector shall make arrangements with the Applicant to view the proposed location(s) and, if necessary, identify any alternative locations.

(2) The Town Board may, as a condition of issuance, place specific restrictions or conditions on the Access Permit, which shall require compliance by the Applicant.

15.46 Reasons for Denial. (1) Reasons for denying a Town Driveway Permit or Access Permit may include, but are not limited to:

- (a) The inconsistency or nonconformance of the proposed access with this Chapter, with any existing Town Comprehensive Plan, or land use plan, with town ordinances, rules, regulations, or plans or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.
- (b) The driveway, bridge, culvert, or highway access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the Town.
- (c) The application as filed and submitted is incomplete or contains false material as determined by the Town Board.
- (d) Alternate driveway locations, bridges, culverts, and highway access locations will be safer for persons by motor vehicle ingressing or egressing on the driveway and access point.
- (e) Alternate driveway locations or alternative highway access locations will preserve or better protect agricultural land in the Town.
- (f) Alternative driveway locations or alternative access highway locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the Town, including land adjacent or near the proposed driveway.
- (g) The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

(2) In the event of a denial of an Access Permit, the Town Board or its designee shall recite in writing the particular facts upon which it bases its denial of the permit. The Town Board shall also afford the applicant an opportunity to review the decision and present evidence at a public hearing after a Class 1 Notice under s.985.07, Wis. stats., of the hearing to the Town Board refuting the determination. Thereafter, the Town Board may affirm, reverse or modify its decision. The Town Board shall recite in writing findings for any decision to modify or reverse its initial determination.

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- (3) If the Town Board denies two consecutive applications for an Access Permit on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within six (6) months of the second denial.
- (4) The Town Driveway Permit or Access Permit are effective for twelve (12) months from the date of issuance. The permit shall expire after twelve (12) months unless renewed.
- (5) The permit may be renewed for an additional period of 6 months. If the driveway or highway access has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.
- (6) The applicant shall notify the Building Inspector within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. The Town Building Inspector will conduct an inspection of the driveway or highway access to ensure full compliance with all of permit conditions and provisions of this Ordinance. Upon a determination of completeness and compliance, the Town Board or its designee shall issue the appropriate permits.
- (7) No building permit for any construction of buildings or structures will be issued by the Town until the driveway or highway access has a minimum 6" layer of 3" rock according to the specifications of the permit as issued in this Ordinance.
- (8) An application fee that is non-refundable in an amount determined by a resolution of the Town Board will be charged for each permit application.
- (9) The Town Board, or its designees, shall have the right of inspection onto land for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe and timely travel by emergency vehicles or vehicles of the general public.

15.47 Variances. (1) Any person aggrieved by an order, requirement or interpretation made by the Town Board may appeal such decision to the Oconto County Board of Adjustment (the Board of Adjustment). Where the Board of Adjustment finds that practical difficulty and unnecessary hardship may result from strict compliance with this article, it may vary the regulations so that substantial justice may be done, provided that the public interest is secured and that such variance will not have the effect of nullifying the intent and purpose of this article.

- (2) In granting variances, the Board of Adjustment shall request the evidence of practical difficulty and hardship and record the reasons in the minutes of which the variance was granted.

15.48 through 15.49 Reserved for future use.

ARTICLE VI: CONSTRUCTION PLAN OR HIGHWAY ACCESS PLAN

15.50 Requirements. (1) The Town Board may in writing require a driveway construction plan or highway access plan prior to any proposed driveway or highway access construction, reconstruction, rerouting, or alteration. A driveway construction plan is required for any of the following unless the requirement is waived by the Town Board in writing:

- (a) A driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the Town Board Town Building Inspector or other designated officer and

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prior to any permit issuance.

- (b) A driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
- (c) When construction or modification of the driveway necessitates construction or improvement of a bridge or culvert.
- (d) When the Town Board in writing requests a driveway construction plan or town highway access plan.

15.51 Plan. An Access Plan, consistent with section 15.52 of this Chapter, is required for all sections of any proposed driveway by the applicant that will enter onto a Town road or highway.

15.52 Additional Requirements. If required by the Town Board or its designee, a driveway construction plan or highway access plan will include a scale plan showing all of the following:

- (a) Location. The precise location of the driveway or the segment of the driveway for which the driveway construction plan is required, including the width and length of the driveway.
- (b) Retaining Walls. The location and structure of any retaining walls.
- (c) Bridges. The location, size, and design calculations of any bridges.
- (d) Culverts. The location, size, and design calculations of any culverts.
- (e) Cross-section. Typical cross sections of the driveway.
- (f) Erosion Control. Required mulching, matting, or other erosion control.
- (g) Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
- (e) Other Access Points. The location of any other access points onto the town highway within one mile of proposed access point.

15.53 Construction. (1) No construction, reconstruction, rerouting, or alteration of a driveway nor construction of an access onto a Town road or highway may commence until all of the following conditions are met:

- (a) The driveway construction plan or access plan, if required, is approved by the Town Board or its agent.
- (b) A Driveway Permit and/or Access Permit is issued by the Town.
- (c) When applicable, any other necessary approval is obtained from Oconto County or the State of Wisconsin.
- (d) The Town Official shall, when applicable, seek review and comment from the fire chief, or deputy, regarding the proposed driveway and whether such proposed driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premises.
- (e) The preparation of a driveway construction plan or access plan does not guarantee the approval of a Driveway Permit or Access Permit by the Town Board.
- (f) As a condition of any Driveway Permit or Access Permit, the driveway and access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.
- (g) The approval of an Access Permit or Driveway Permit by the Town Board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or for emergency vehicles, that the public access and travel is authorized, or that the applicant or permittee is in compliance with this Chapter. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or access location is fit or safe for any purpose or that they are in compliance with this Chapter or any State or County laws or ordinances.

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(h) The approval of a Driveway Permit or Access Permit does not establish or commit the Town to future approval of any driveway as a public road or highway in the Town.

15.54 through 15.59 Reserved for future use

ARTICLE VII: PENALTY PROVISION

15.60 Penalty. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$50 not more than \$400, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

ARTICLE VIII: SEVERABILITY CLAUSE

15.61 Severability. If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.

ARTICLE IX: EFFECTIVE DATE

15.62 Effective Date. Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats. ADOPTED this ____ day of _____, 2016.

Dave Alsteen, Chairman

Date

Attest

Jan Betts, Clerk

Date