

TOWN OF NECEDAH
Juneau County, Wisconsin

ORDINANCE # 11
ORDINANCE REGULATING LAND DRIVEWAYS

The Town of Necedah Board of Supervisors does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section numbers are to those of the Town Ordinances of the Town of Necedah.

ARTICLE 2. Ordinance 11 is adopted to read as follows:

SECTION 1: PURPOSE

The purpose of this ordinance is to assure that the design, location, method of construction and conservation practices used in creating and maintaining driveways, trail field roads and the public right-of-way promote public safety and the general welfare of the community.

Topography, location and the characteristics of roads make each piece of property unique. The Town Board of Supervisors shall exercise discretion in applying this ordinance so as not to impose any requirement which is an undue burden on the owner of the driveway or field road relative to the benefit to the community.

SECTION 2: AUTHORITY

This Ordinance is adopted pursuant to the general powers granted under Wis. Stats §§ 60.10(2)(c), 60.22(3), 60.61(1m), 61.34(1), 101.02(7), 101.65, 101.76, and 236.45, and authority recognized in Wis. Admin. Code Comm. §§ 20.02(7) and 50.06.

SECTION 3: JURISDICTION

Jurisdiction of these regulations shall include all driveways, within the Town of Necedah. Additionally, driveways which cross state, county or any adjacent jurisdictional road right-of-ways will require permits from those respective entities.

SECTION 4: LAND DRIVEWAYS

Description of Land Driveway: The land driveway is a private driveway, road or other avenue of travel that runs through any part of a parcel of land with no access to buildings or structures. (buildings or structures include homes, garages, sheds, barns, bins, silos, etc.). A land driveway shall refer to a driveway through which vehicle weights that travel upon exceed ten-thousand (10,000) pounds. Driveways through which vehicle weights that travel upon are less than ten-thousand (10,000) pounds shall refer to the "standard driveway" ordinance, (Ord. 10, Sec. 9). Additionally, if the land driveway is converted to a driveway to serve one or more structures, it shall be subject to the specifications of a "standard driveway" as described above (unless waived by the Town Board through action at a regular town meeting).

Application: An application for a land driveway will be filed in writing with the Town Board. A complete application will describe the location of the land driveway entrance, so it can be verified by the Town Board.

Fee: A two hundred and fifty-dollar (\$250.00) fee shall be charged for the issuance of an application for a land driveway.

Culverts and Gravel: In order to assure that the natural flow of surface water is maintained, culverts may be required for all land driveways accessing Town roads at the discretion of Town Road Supervisor. The culvert shall be a minimum fifteen (15) inches in diameter, and thirty (30) feet in length. The Town Board may waive the requirement of a culvert where drainage conditions do not require a culvert to allow for unimpeded flow of surface water. All costs of constructing culverts involved (gravel, installation and maintenance) are the responsibility of the property owner.

Sight Distance: The land driveway entrance must have an unobstructed view of at least one-hundred twenty (120) feet in each direction (unless waived by the Town Board). County and State roads may require a longer sight distance.

Maintenance: Regular maintenance to land driveways (gravel, grading, replacing culvert, ditch maintenance) will not be subject to a fee. If the location is changed, it will be considered as a new driveway and requires a new application, as outlined above.

Penalties: No vehicle entering or leaving land driveways shall violate any road weight limits set by the Town of Necedah as per Wis. Stat. § 349.16, or provisions related to controlled-access highways under Wis. Stat. § 84.25, if applicable. Should a driveway be constructed or modified in a way which violates the provisions of this ordinance, or use of the driveway cause damage to adjacent Town roads, the owners of the land through which the driveway passes shall make corrections indicated by the Town Board within a reasonable period of time (as determined by the Necedah Town Board).

If the owners of the land through which the driveway passes do not make the required corrections, including any repairs to adjacent public roads, within a time specified, the Necedah Town Board shall determine the cost of correcting violations of the provisions of the ordinance including, when necessary, the return of disturbed land or Town roads to original condition. The cost of remediation shall be paid to the town by the owners of the property through which the driveway passes as a special assessment (Wis. Stat. § 66.60(16)).

When washing or other conditions created by land driveways become a potential hazard to a public road, the Town Board shall notify the owner(s) of the land through which the driveway passes of such condition(s). Any property owner failing to correct a hazardous situation immediately (within 24 hours or less) upon notification shall be liable for any costs incurred by the Town of Necedah to eliminate such hazard as provided in Wis. Stats. §§ 66.0627 and 66.0703. Problems of a non-emergency nature shall be corrected in 30 days.

SECTION 5: INVALID OR UNCONSTITUTIONAL

If any provision of this ordinance is invalid or unconstitutional, or if the application of the ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not effect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 6: CONFLICT

If any provision(s) of this ordinance is in conflict with any other Town ordinance, this ordinance shall take precedence.

Effective Date: This ordinance shall be in force and effect the day after legal publication.

The foregoing ordinance was adopted at the regular meeting of the Town Board of the Town of Necedah, Juneau County, Wisconsin on April 11, 2016, with Section 4 Fee: saying "See fee schedule".

The foregoing ordinance was amended at the regular meeting of the Town Board of the Town of Necedah, Juneau County, Wisconsin on June 13, 2016, with Section 4 Fee: Back to "fee amount", Section 4 Culverts & Gravel: are to may be, in sentence culverts required, Article 2: Chapter to Ordinance

Chairman Terry Taft

Supervisor Ginny Hodal

Supervisor George Schumer

Attested by: Clerk Susan Kosinski

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