

**ORDINANCE TO REGULATE THE INSTALLATION OF DRIVEWAYS
WITHIN THE TOWN OF TRADE LAKE
#1-2005**

Section I. – Title and Purpose

The title of this ordinance is the Town of Trade Lake Driveway Construction and Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of Trade Lake. This is not a Town Zoning Ordinance.

Section II. - Authority

The town board has the specific authority under ss. 66.0425 and 86.07, Wis. Stats., to adopt a Town Driveway Construction and Access Permit Ordinance, and has the general authority under its Village Powers under s. 60.22, Wis.stats., to adopt this ordinance.

Section III. - Adoption of Ordinance

The town board, by this ordinance, adopted on proper notice with a quorum and roll call vote by majority of the town board present and voting, provides the authority for the town to regulate and permit certain driveways in the Town.

Section IV. – Definitions

In this ordinance:

- A. “Driveway” means 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 service to a residence, business, recreational site, or other similarly appropriate use.
- B. “Emergency Vehicle” means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the Town.
- C. “Town” means the Town of Trade Lake
- D. “Town board” means the board of supervisors for the Town of Trade Lake, Burnett County, Wisconsin and includes any designee of the board authorized to act for the board.
- E. “Town Clerk” means the clerk of the Town of Trade Lake.
- F. “Wisc. Stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

Section V. - Specifications

A. No person shall establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway without first obtaining a Town Driveway Permit to be issued by the Town Board. No permit shall be issued without a properly completed application signed by the property owner requesting said permit.

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

C. All driveways constructed after the date of the enactment of this ordinance shall meet the following minimum standards and shall be completed within 60 days of issuance of the permit:

- a. Driveways shall have a minimum clearance width of 20 feet. Any curves in driveways must not be less than 100-foot radius.
- b. Overhead clearance shall be established at a minimum height of 15 feet.
- c. Driveways exceeding 150 feet in length must provide an adequate turnaround area that will accommodate a 30-foot long emergency vehicle. The turnaround space can be provided by

one of the following methods and shall be within 75 feet of the principal building:

(1) If a circle drive is constructed, it must have a radius of no less than 35 feet to the centerline, (or)

(2) A turnaround space free of trees and other obstructions may be provided if it has the dimensions of not less than 60 feet by 50 feet, (or)

(3) A turnout may be provided with the following dimensions: the length shall be a minimum of 30 feet. The width at the entrance shall also be a minimum of 30 feet. The turnout may be trapezoidal in shape, thereby tapering down to a minimum of 20 feet at the rear. In addition, a minimum of 40 feet of driveway must be provided between the building and the turnout to allow enough room to back a 30-foot long emergency vehicle into the turnout.

D. A representative of the Trade Lake Town Board shall determine the dimensions of any culvert to be installed as part of the required driveway construction in order to provide proper drainage. If a culvert is required the Town of Trade Lake will provide a standard 12" 32' culvert and one load of gravel. If a larger culvert is required permit holder will be required to reimburse the Town of Trade Lake the difference in cost.

Section VI. – Application/Permit Provisions

A. The Town shall approve a form for application for the Town Driveway Permit which shall be available from the Town clerk.

B. The applicant for a Town Driveway Permit shall submit to the town clerk a completed application with the appropriate fee and with the following attachments.

1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions. The sketch map may be submitted to the town board prior to the preparation or submission of the other supporting documents in order for the town board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit will not be granted without the submission of complete supporting documents.

2. Plat Map. A plat map indicating the location and dimensions of the desired driveway as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the town board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.

C. Procedures for the evaluation of the Town Driveway Permit by the Town board, including any required site inspection of the proposed driveway, public hearing, and town board meetings, are as follows:

D The Town board shall approve or deny any Town Driveway Permit application and may as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee. Reasons for denying a Town Driveway Permit Application may include, but are not limited to:

1. The inconsistency or nonconformance of the proposed driveway with this ordinance, with any existing town comprehensive plan, master 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.

2. The driveway, bridge or culvert or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.

3. The application as filed and submitted is incomplete or contains false material as determined by the town board.

4. Alternative driveway locations, bridges or culverts will be safer for persons by motor vehicle ingressing or egressing on the driveway and access point.

5. Alternative driveway locations or alternative highway access locations will

preserve or better protect more prime or productive agricultural or forestry land in the town.

6. Alternative driveway 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 to or near the proposed driveway.

7. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

- E. In the event of a denial of a Town Driveway Permit Application, the town board 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 town board's 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.
- F. If the town board denies two consecutive applications for a Town Driveway Permit on the same parcel, no subsequent re-applications for a permit of the same type that was denied for that parcel will be considered within 2 months of the second denial of either.
- G. The Town Driveway Permit will be effective for 12 months from the date of issuance. The permit shall expire after 6 months unless renewed.
- H. The permit may be renewed for an additional period of 6 months. If the driveway has not been constructed by the end of one 60month renewal period, a new application and fee must be submitted and approved.
- I. 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.
- J. The town board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under s. 66.0119, Wis. Stat., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe timely travel by emergency vehicles of the general public.

Section VII – Penalty Provision

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of the Ordinance shall, upon conviction, pay a forfeiture of \$20.00, plus all 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.

Section VIII. – Severability Clause

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

Section IX. – Effective Date

This Ordinance is effective on publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis.stats.

Adopted this 9th day of August, 2005.