

ORDINANCE NO. 2013-5

**TOWN OF FOREST
ST. CROIX COUNTY, WISCONSIN
DRIVEWAYS, ROAD DAMAGE DEPOSIT ORDINANCE**

Pursuant to Wisconsin Statutes, including but not limited to, sections 60.22, 61.34(1) and 82 of the Wisconsin Statutes, the Town Board of the Town of Forest, St. Croix County, Wisconsin, does hereby ordain as follows:

Section A. Purpose; Costs.

1. Purpose: The purpose of this Ordinance is to regulate and control driveway construction; to assure proper surface water drainage and erosion control connected with driveway construction, within the Town of Forest, and to promote the public health, safety, general welfare, to promote the safe, efficient and orderly movement of traffic.
2. Costs: All costs incurred by the Town in administering this ordinance, including but not limited to, inspections, engineering services and attorney services, costs to repair town roads shall be paid by the applicants for driveway permits. Any costs incurred by the Town on individual lots or open land shall be paid by the person(s) who hold the driveway, building permit, right of way and/or erosion permit or, if unpaid, the owner of the property for which the permit is required. Costs that are not paid when billed shall be certified on the property tax roll as special charge under Wis. Stats. § 66.0627 against the property for which costs were incurred.

Section B. Definitions.

Driveway/Access: Any area where travel occurs from a public or private road over land (whether by easement or ownership) not considered to be part of the public or private road for the purpose of gaining access to land, improvements, or structures.

Town: Town of Forest

Section C. Requirements.

All buildings or structures hereafter erected or moved into the Town and any other new building or structure shall have driveway access to said building or structure from a public or private road. All driveways, including driveways serving open land, shall meet the requirements of this ordinance.

Section D. Permits; fees.

1. Driveway permit.

(a) A driveway permit shall be obtained and a copy issued to the permittee before commencement of any driveway construction in the Town of Forest. No driveway permit shall be issued until a completed application has been submitted and approved by the Town Board or the Town Board's appointed designee, if the Town Board chooses to appoint a town official to review and approve driveway permits. A completed application shall include a construction plan showing specifications including grade, slope, width, length and sight distance of the driveway and erosion control procedures, and any other information the Town determines to be necessary to assure construction of a driveway consistent with the purposes and requirements of this ordinance. Driveways that exit onto a county or state highway need county or state approval in addition to the Town approval. The Town may retain an engineer or other professional(s) to review the application, if it deems necessary.

(b) Existing field driveways are exempt from the permit requirement unless they are being used to provide access to new construction or installation of a building or structure on the property, in which case a driveway permit shall be required.

(c) Permits are valid for one year.

2. Fees. The fees for driveway permit(s) shall be established by resolution of the Town Board and shall be payable at the time of application for the permit. The fee for a driveway permit covers one inspection for driveway location and one inspection for compliance with this ordinance. Each additional inspection required due to failure to comply with this ordinance shall require prepayment of an inspection fee to be set by the Town Board.

Section E. Specifications; inspections.

1. Specifications.

(a) Driveway separations.

There shall be a minimum of 200 feet between the center lines of driveways and/or between the driveway and an intersecting highway or collector, subcollector or access roadway. In addition, any driveway shall conform to St. Croix County driveway separation requirements where applicable. An exception to the driveway separation distance is for driveways coming off a cul-de-sac on a Town road.

(b) The following driveway specifications shall apply:

Minimum width of driveway where it meets public road:	24 feet
Minimum road surface width	12 feet
Minimum width clearance	24 feet
Minimum height clearance free of trees wires, etc.	18 feet

Minimum visibility distance each way from end of driveway
Maximum grade

300
~~400~~ feet
10%

- (c) For driveways in excess of 300 feet, at least one 25 feet in length and 18 feet in width segment of the road surface shall be provided for each 300 feet of driveway length to provide for the 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 application(s) for driveway approval.
- (d) If culverts are required, the recommended minimum diameter shall be 18 inches and 20 feet length. 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. Illegal culverts will be removed at landowner's expense and any unpaid charges shall be placed on the tax roll as a special charge pursuant to Wis. Stat. 66.0627.

2. Inspection and approval.

- (a) The inspection and approval of any driveway site shall be a prerequisite to the issuance of a final driveway permit. The location and complete and final construction of any driveway shall be subject to the approval of the Town Board or designee of the Town Board.
- (b) Any driveway authorized to be constructed by issuance of a permit under this ordinance shall be completely constructed to specifications in this ordinance and approved by the Town Board or designee of the Town Board prior to issuance of a building permit. The intent for completing this section of driveway before a building permit is issued is to eliminate the tracking of mud, clay or other soils onto the asphalt surface of the Town road, to prevent damage during construction to the adjoining road surface and to provide adequate access for emergency vehicles.
- (c) The owner of the property shall be responsible for the cost to repair any damage done to a Town road incurred during construction on his property or by any equipment used in modifying his property and shall reimburse the Town accordingly for repair of the Town road. If the property owner does not reimburse the Town, the cost of repair plus damages pursuant to Wis. Stats. 86.02 shall be placed on the property owner's tax bill, pursuant to Wis. Stats. 66.0627.

Section F. Road Damage Deposit.

Determinations. Whereas the Town wishes to protect against road damage

and costly repairs resulting from construction and other heavy equipment loading, unloading and using the Town roads as access to private properties during construction periods; and whereas the property owner, developer or general contractor must obtain a driveway and/or building permit prior to construction of any new driveway, dwellings, buildings, and/or structures, additions to existing dwellings or any structures on the property; and whereas Wis. Stats. § 86.02 authorizes the Town to collect treble damages from any person who damages a Town roadway; now, therefore, the Town Board ordains as follows:

1. A road damage deposit in an amount determined by the Town Board, shall be required with each driveway permit and/or building permit issued for the construction of any new driveway, building or structure that may involve the use or travel of equipment or load factors which exceed normal road usage and may cause damage to Town road surfaces and shoulders. The amount of the road damage deposit shall be based on the facts and circumstances of each situation, considering the weight of the vehicles or equipment traveling on the roads relating to the construction project and the damage likely to result from such use of the road.
2. The permit holder shall be responsible for notifying subcontractors of this ordinance and shall be held responsible for the road damage, regardless of who may cause damage, as long as the damage is caused by vehicles using the road to access property for construction related to the building/structure or to the driveway permit. If the permit holder is not the property owner and the permit holder does not pay the damage, the property owner shall be responsible to pay for road damage caused by the vehicles or equipment related to the construction on that property.
3. Use of the Damage Deposit. If the Town Board or Town Board designee finds that road damage has occurred, the permit holder shall forfeit the deposit to the extent of the cost the Town incurs to repair the damage and the balance, if any, will be refunded, except as provided in Par. 4 below. If the damage repair costs exceed the deposit, the deposit shall be forfeited and the Town shall invoice the permit holder for the amount exceeding the deposit. If the permit holder fails to pay the invoice after 30 days, pursuant to Wis. Stats. § 86.02, the Town shall invoice the permit holder triple the amount of the damages. If remaining unpaid, the amount shall be added to the property owner's taxes, pursuant to Wis. Stats. § 66.0627.
4. Maintenance of Damage Deposit for Life of a Project. Some projects may involve heavy vehicle traffic transporting equipment, and materials that exceed normal traffic volume and weight levels for the life of the project. In such cases, the Town may determine that a certain damage deposit amount must remain on deposit with the Town for the life of the project. The Town Board may consult with its engineer or other professional in determining the amount that will be required to be kept on deposit with the Town for the life of the project, or some other reasonable period of time based on the facts and circumstances of the project.

Section G: Group Application and Road Damage Deposit.

1. When a construction or development project or system (hereinafter project) requires more than three driveway permits related to the project, the Town may require the developer of such project to apply for all the driveway permits that may reasonably be required in connection with the project.
2. The application shall include, but not be limited to, the following information:
 - a. A map showing all the driveways necessary for the entire project.
 - b. A construction schedule for construction of all driveways identified in the application.
 - c. A description of the vehicles/equipment that will be used in connection with the project and all equipment, structures, and/or materials that will be transported to the properties involved in the project. The description shall include the size (length, height, and width) and weight of all such vehicles, equipment, structures, and materials used or installed in connection with the project.
 - d. A map showing all roads (town, county, state, or U.S. highways), that will be used to transport such equipment/materials to the various properties involved in the project.
 - e. Any modifications that will need to be made to such roads to transport or accommodate the vehicles and equipment, structures and/or materials.
 - f. The traffic plan for transporting the equipment/materials/structures to the properties, including the volume of traffic, the scheduling of the traffic, any other information necessary for the Town to understand the overall road and transportation plan for the project.
 - g. Any other information that the Town deems necessary to understand the construction plan for the project and its impact on town roads and on traffic safety in the Town.

3. Professional Review of the Applications.

a. **Road Project Study.** The Town may retain an engineer or other qualified professional to prepare a Road Project Study which will include a complete analysis of the applications and related materials and will include recommendations to the Town Board regarding appropriate construction specifications for such driveways, any necessary modifications to town roads to handle traffic related to the project, appropriate scheduling of such traffic, and the amount of the damage deposit that should reasonably be required for each driveway permit related to the project.

b. **Administrative Deposit to Cover Town Costs.** The developer of the project shall pay all costs the Town incurs in reviewing such applications. The Town may require the developer to pay an administrative deposit, in addition to the driveway permit application fee and road damage deposit, to secure payment of the Town's costs.

4. **Road Damage Deposit for Group Applications.** The road damage deposit required for driveway permits issued in connection with a Group Application may be used by the Town to repair damage to any town road(s) that are damaged in connection with the construction or development of the project.

5. **Additional driveways related to Group Application.**

If, in the future, additional driveway permit applications are submitted related to the same project, the Town may require that those applications be assigned to the Group Application. The Town may require an updated Road Project Study and an additional Road Damage Deposit for the additional applications.

Section H: Violations and Penalties.

Any person, corporation, or organization who or which fails to comply with any provision of this Ordinance shall be subject to a forfeiture of not less \$ ^{new} 500 ~~1,500~~ nor more than \$ 1,500 for the violation, plus the costs of prosecution for the violation. If the violation is not corrected within ten days of notice of violation, said person, corporation, or organization shall be subject to a forfeiture plus all costs of prosecution for each day the violation exists or continues. Each day of violation past ten days from notice of violation shall be a separate offense, subject to a separate forfeiture. The Town may institute appropriate action or proceedings to enjoin any violation of this ordinance or to require any person, corporation or organization to complying with this chapter. Commencing construction without obtaining a permit shall result in double the permit fee.

Section I: Severability.


If a court of competent jurisdiction determines that any section, clause, provision or portion of this ordinance is unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected by any such determination.

Section J: Repeal of Prior Driveway Ordinance. Upon adoption and publication as required by law of this Ordinance, the Town's prior Driveway Ordinance, adopted April 9, 2002, shall be repealed.

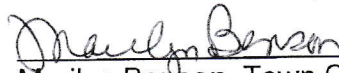
Section J: Effective Date

This ordinance shall become effective upon adoption and publication as required by law.

Adopted this 16th day of December, 2013


Jaime Junker, Town Chair

Attest:


Marilyn Benson, Town Clerk