

**TOWN OF CHARLESTOWN
CALUMET COUNTY, WISCONSIN**

ORDINANCE NO. 2017- 1

**DRIVEWAY AND CULVERT PERMIT
OBSTRUCTIONS IN RIGHT-OF-WAY PERMIT**

The Town Board of the Town of Charlestown, Calumet County, Wisconsin, pursuant to Section 60.22, Wis. Stat., and its village powers pursuant to Section 60.10, Wis. Stat., and the authority under Section 86.07, Wis. Stat., in the interest of providing for the safety, health, and convenience of the residents of the Town of Charlestown, Calumet County, Wisconsin, do ordain as follows:

1. Ordinance No. 2013-2, as may be amended, is repealed and replaced as follows:

SECTION 1. DRIVEWAY AND CULVERT PERMIT REQUIRED

Every person who desires to construct, install, alter, change, replace, remove, discontinue, or extend any permanent or temporary driveway or any culvert within the Town of Charlestown shall first obtain and abide by the proper permit from the Town Board or its designee. Failure to obtain a permit is a violation of this Ordinance.

SECTION 2. DRIVEWAY AND CULVERT PERMIT REQUIREMENTS

A. A permit application shall be made on forms provided by the Town. The application shall require information including, but not limited to:

1. Description of the property involved;
2. Proposed location of the driveway and culvert;
3. Primary use of the driveway culvert and of the land accessed thereby;
4. Name, mailing address, telephone number and email address of the applicant;

5. Date of application;
6. Signature of applicant;
7. Payment of the application fee;
8. Any other information requested by the Town Board.

B. No permit shall be issued to an applicant who has failed to properly and fully complete the application form and to provide the information requested by the Town Board and to pay the application fee.

C. The Town Board or its designee shall have the authority to address special or unique circumstances presented by the application and impose conditions of the permit reasonable and necessary for the health, safety, or convenience of town residents. Such circumstances include, but are not limited to, the use of the driveway and the land accessed thereby, the adjacent road conditions, the type, size and weight of the vehicles using the driveway, the site visibility. The Town Board or its designee shall issue a permit if in its determination the proposed driveway and culvert, subject to any conditions imposed by the permit, meet the requirements of the applicable ordinances of the Town, and is deemed to be in the best interest of the health, safety, and convenience of the town residents.

D. A permit shall be subject to all conditions established by the Town Board or its designee and shall be signed and dated on behalf of the Town. No permit shall be effective until the applicant has agreed by signature to the conditions established by the permit. A permit is valid for construction of a driveway or installation of a culvert to be completed within ninety (90) days from the date signed by the Town.

SECTION 3. DRIVEWAY CONSTRUCTION STANDARDS

A. Driveways shall be constructed of solid, load-bearing material sufficient to support the intended load and use.

B. A culvert shall be installed to allow proper drainage through the driveway and shall be installed through applicant's property at least five (5) feet from the applicant's property line. Each culvert shall have a minimum diameter of eighteen (18) inches.

C. Every driveway shall have sloped sides constructed of earth materials only. No stone material shall be permitted. Tapered end-walls on the culverts are required. The sides of the driveway shall be sloped at no less than a grade ratio of 3:1.

D. The driveway shall have a minimum width of twenty-eight (28) feet driving surface. The Town Board or its designee may require a greater width than 28 feet based on the factors stated in Section 2 (C) and other relevant factors, for which the minimum standard is impractical and where the public interest and safety requires it. The maximum width of the driveway shall be _____ () feet driving surface.

E. The driving surface of the driveway located within the road right-of-way, if paved, shall be paved with asphalt or concrete. The use of asphalt is preferred. If concrete is used, any future repairs or replacements of concrete shall be paid by the property owner.

F. Each driveway shall slope from the building to the culvert and from the road to the culvert. The slope of each driveway will be set by the Town Board or its designee at the time the permit is issued.

SECTION 4. OBSTRUCTIONS OF DITCHES AND EMBANKMENTS

A. Every person who desires to do any of the following within the Town of Charlestown shall first obtain and abide by the proper permit from the Town Board or its designee. Failure to obtain a permit is a violation of this Ordinance.

1. Alter or change the depth or contour of any ditch or embankment of any town road within the town road right-of-way.

2. Place, deposit, bury or remove any obstruction, stones, rocks, culverts, debris, or other material in or from any ditch or embankment of any town road within the town road right-of-way.

3. Use or cross the town road right-of-way located outside the paved surface of the town road for entry to or exit from adjacent lands, excepting the following:

(a) At approved driveway entrances to such town road;

(b) In operation of a snowmobile pursuant to Section 350.02, Wis. Stat.

(c) In operation of an all-terrain vehicle pursuant to Section 23.33, Wis. Stat.

4. Plow, cultivate, plant or harvest crops, or otherwise work the land within the Town road right-of-way.

B. A permit application shall be made on forms provided by the Town. The application shall require the information described in Section 2(A) of this ordinance, and shall include information regarding the proposed nature and location of the obstruction or alteration. No permit shall be issued to an applicant who has failed to properly and fully complete the application form, to provide the information requested by the Town Board and to pay the application fee. No permit shall be issued until the applicant has signed the permit agreeing to the conditions established by the permit. The Town Board shall impose appropriate conditions with any permit consistent with the health, safety and convenience of the town residents.

C. Prior to initiating an enforcement action for a violation of this Section 4, the Town Board shall notify the alleged violator and the owner of the property adjacent to the location of the violation and provide a reasonable time, not to exceed 30 days, to correct the violation, and avoid a penalty. Any corrective action is also subject to obtaining a permit for such corrective action, and the requirements under this Ordinance. Failure to obtain a permit for corrective action is a violation of this Ordinance. If the violation has not been corrected within the time limit, then the Town may commence an enforcement action. The penalty shall apply each day following the expiration of the time to correct the violation. Notwithstanding anything herein to the contrary, failure of the Town to provide notice under this Section C shall not affect the ability of the Town to enforce this Ordinance.

SECTION 5. AUTHORITY FOR HIGHER STANDARDS

The standards herein for driveways and culverts are intended to be minimum design standards. The Town Board or its designee shall have the discretion to impose higher design standards where in the opinion of the Town Board local conditions require higher standards or anticipated traffic quantity and quality will require higher standards.

SECTION 6. PENALTIES

A. Any person who violates any provision of this ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 for each offense, together with the costs of prosecution. Each day of violation shall be a separate offense.

B. In addition to the provisions of Section 6(A), any person who violates any provision of Section 4 of this ordinance, shall be liable for the removal of any such obstruction and to restore the property to its condition prior to the violation at the violator's expense, subject to obtaining a permit therefor.

SECTION 7. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the other portions of this ordinance which shall remain in full force and effect.

SECTION 8. REPEAL OF CONFLICTING PROVISIONS

Any ordinance heretofore adopted by the Town Board of the Town of Charlestown which is in conflict with the terms of this ordinance is hereby repealed to the extent of such conflict.

SECTION 9. STATUTORY REFERENCES.

All references to Wisconsin Statutes set forth herein shall include future amendments and successors thereto.

SECTION 10. EFFECTIVE DATE.

This ordinance shall be effective upon adoption and posting as required by law.

Adopted this 12~~th~~ day of JUNE, 2017.

TOWN OF CHARLESTOWN TOWN BOARD

By: Wilmer Geiser
Wilmer Geiser, Chairperson

ATTEST:

By: Sharon Allen, Clerk
Sharon Allen, Clerk