

**TOWN OF TRENTON
PIERCE COUNTY, WISCONSIN
ORDINANCE 2021-40**

Section 1: The Town Board of the Town of Trenton, Pierce County, Wisconsin, has authority under Wis. Stat. §§ 60.22, 82.03, 82.05 & 86.05 to enact this Ordinance.

Section 2: This Ordinance, adopted by a majority of the Town Board with a quorum present and voting and proper notice having been given, repeals and recreates Town Ordinance No. 2020-39, in effect since December 8, 2020, itself a recreation of a previous Town Ordinance No. 9, in order to regulate driveway access to public highways in the Town as follows:

A. Definitions. As used in this Ordinance, the following terms shall have the meanings indicated:

1. BUILDING or BUILDINGS – Refers to a structure(s) on a property.
2. DRIVEWAY – Access provided to a single lot-only from the edge of the traveled road surface of a public or private road to a private Building or to privately owned property upon which a Building may be located.
3. FIELD DRIVEWAY – An access to a field regularly used only for agricultural purposes or to access agricultural land.
4. PREEXISTING DRIVEWAY – A Driveway which is in existence at the time of this Ordinance and serving one or more lots.
5. JOINT/SHARED DRIVEWAY – A driveway providing a shared access to two adjoining parcels or lots to the point where the driveway divides into two separate driveways. Roads serving 2 or fewer lots must be designed and constructed to the standards of this Ordinance with the exception of asphalt to the edge of the right of way. If the lots are of such a size to allow further subdividing to occur, the road must be designed and constructed to standards with the exception of asphalt to the point where the driveway will separate. The road shall be paved and brought up to town standards when the road serves more than two lots.
6. TOWN – The Town of Trenton, Pierce County, Wisconsin.

B. Buildings Shall Have Driveway Access. All Buildings hereafter erected or moved into the Town and any other new Building shall have Driveway access to said Building from a public or private road. Such Driveway shall meet the requirements of this Ordinance.

C. Permits; Fees.

1. Driveway Permit:

- a. No person shall commence construction, alteration, or removal of a driveway without first obtaining a driveway permit from the Town Board. No driveway permit shall be issued until a completed application has been made and approved by the Town. Applications shall include plans for construction of the Driveway that comply with the minimum standards established in the Ordinance. Driveways that exit onto a county or state road need county or state approval in addition to the Town approval.
- b. Existing Field Driveways are exempt from the permit requirement unless they are being rebuilt to provide access to a Building on the property.
- c. Modification of a driveway of any type to service an additional parcel or additional home shall require a new driveway permit.
- d. Driveway permits are valid for one year.

2. Fees. The fee for a Driveway permit shall be \$500.00 per Driveway and shall be payable at the time of application for the permit. However, if construction activity occurs prior to the time of application for the permit, the fee shall instead be \$1,000.00. 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 a further \$250.00 or a fee to be set by resolution of the Town Board, whichever is greater. The Town Board may modify the Driveway permit fees periodically by resolution adopted by the Town Board at a duly noticed town board meeting. A road damage deposit shall also be required as provided in Section F of this Ordinance.

D. Specifications; Inspections.

1. Specifications:

- a. Driveway Separations. Driveways shall be a minimum of one hundred (100) feet from any intersection.
- b. Angular Placement. The driveway shall intersect with the town road at a right angle to the town road.
- c. The Town Board may require joint driveways, especially on cul-de-sacs.
- d. Driveway specifications.
 - i. The Driveway shall be of such reasonable width to serve its intended purpose. The minimum width shall be eighteen (18) feet.

- ii. Drainage. The Driveway shall be designed to avoid an unreasonable interference with the natural flow of water. The first twenty (20) feet of the Driveway from the edge of the public road shall be near level but slightly lower than the public road to assure that water from the Driveway does not run onto the traveled portion of the public road. Flooding of the surface of the town road in any manner shall create a presumption of unreasonable interference with the natural flow of water.
- iii. Culverts. Culverts must be adequate for drainage. The Town Board or its designee shall view the site and determine if a culvert will be required and the appropriate size needed. Any culvert shall be installed at the same grade as pre-exists such installation, unless State law requires otherwise. The culvert shall be made of steel, have installed apron end walls, and shall be set back as close to 16 feet from the road edge as possible.
- iv. Sight distance. Driveways providing access to town roads posted at 35 mph or less shall be located to provide a sight distance of two hundred and fifty feet (250) in any direction along the town road being intersected. For all other roads, the Driveway shall be located to provide a sight distance of five hundred (500) feet in any direction along the town road being intersected. Sight distance is computed with observer at height of 3.75 feet and object seen at a height of six (6) inches.

2. Inspection and approval:

- a. The inspection and approval of any Driveway site shall be required prior to the issuance of a final Driveway permit. The location and final construction of any Driveway shall be subject to the approval of the Town Chairperson or designee of the Town Board.
- b. Any Driveway authorized to be constructed by issuance of a permit under this Ordinance shall be constructed to the specifications of this Ordinance and approved by the Town Chairperson or designee, at a minimum, from the edge of the traveled surface of the town road to the edge of the town road right of way, prior to issuance of a Building permit. The purpose for completing this section of the Driveway before a Building permit is issued is to eliminate the tracking of mud, clay or other soils onto the surface of the town road, to prevent damage to the adjoining road surface, and to provide adequate access for emergency vehicles.
- c. The owner of the property shall be responsible for any damage done to a town road incurred during construction on the owner's property or by any

equipment used in modifying such property and shall reimburse the Town accordingly for immediate or future repair of the town road. Damage costs shall be added to the property tax bill if not paid promptly.

E. Variances. Where, because of practical necessity or impossibility, it appears the property owner cannot meet the requirements of this Ordinance, the Town Board may, at its discretion, grant a variance from the requirements of this Ordinance. The following variance procedures shall govern the consideration of a variance application:

1. Town review. The Plan Commission shall review the request to modify or waive the requirements of Section C.1. The Plan Commission shall make its recommendation to the Town Board which shall make the final decision on the request.
2. Review criteria. For the Town to review and approve the request the applicant must submit in writing the reason(s) for the modification or waiver. The Town shall base approval on the standards and intent of Section C.1 along with necessary safety considerations if the requirements of Section C.1 cannot be met.
3. Submittal requirements: the following information must be submitted to the Town.
 - a. Written request for modification or waiver of Section C.1 from the property owner. The written request shall state the reason for the modification; how their site conditions are unique to the site; how the intent of Section C.1 is being met and facts showing that granting a waiver or modification will not create an unsafe condition.
 - b. CSM, site plan, or plot map shall be submitted showing existing site conditions, Driveway location, unique site features, easements, drainage ways, Buildings, roads, etc. The CSM, site plan or plot map shall contain sufficient data such as address, street names, site staking or marking identifying Driveway or private road changes, etc., for the Town to make onsite visits if necessary and make a proper review and approval.
 - c. Meeting attendance by the applicant/property owner is required for review and approval by the Town. Town residents may be heard at the meetings by the Town to determine if the request should be approved, denied or approved with conditions.

F. Road Damage Deposit.

1. Determinations. Whereas the Town wishes to curtail 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, a history of damage has been evident as a result of this practice; and whereas, the property owner, developer, or general contractor must

first obtain a Driveway and/or Building permit before commencing construction of any new dwellings and/or structures, additions to existing dwellings or any structures on the property; and whereas, Wis. Stat. § 86.02 authorizes the Town to collect treble damages from any person who damages a Town highway; now therefore, the Town Board further ordains as follows:

- a. Road Damage Deposit. A \$1,000.00 road damage deposit in the form of cash or a certified check payable to the Town shall be required with each Driveway and/or Building permit issued for the construction of any structure (be it a dwelling, addition, or accessory Building) that may involve the use or travel of equipment or load factors which exceeds normal usage and may cause damage to Town road surfaces and shoulders. No bond shall be collected on driveways constructed on State or County roads.
 - b. Permit Holder Responsible. The permit holder shall be responsible for notifying subcontractors of this Ordinance and shall be held responsible for the road damage, regardless of whoever may cause damage, as long as the damage is caused by vehicles using the road to access property for construction related to the Building or Driveway permit.
 - c. Deposit Forfeiture. If the Town Board or 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. 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. Stat. § 86.02, the Town shall invoice the permit holder, triple the amount of the damages. If the invoice remains unpaid, pursuant to Wis. Stat. § 66.0627, the amount shall be considered a delinquent special charge and become a lien upon the property where the Driveway is located and shall be included in the current or next tax roll for collection along with the taxes.
- G. Violations; Penalties. No person, corporation, or organization shall construct or install any Driveway, which violates any provision of this Ordinance. The Town shall notify the permit holder and the property owner of the violation by written notice. If the violation is not corrected within seven (7) days of the written notice, it shall result in a forfeiture in the amount of \$1,000.00 plus the costs of prosecution. Violations and payments of forfeitures are the responsibility of the property owner and/or the permit holder at the Town's option.

Section 3: If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 4: All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 5: This Ordinance shall be in full force and effect from and after its date of passage, notice to the public as required by law, and the erection of appropriate signage.

Section 6: The Town Clerk shall properly cause this Ordinance to be published in a newspaper as required pursuant to Wis. Stat. § 60.80.

Adopted this 8th day of June, 2021.

TOWN OF TRENTON

By: Brian Berg
Brian Berg, Chairperson

ATTEST:

By: Steve Thoms
Steve Thoms, Clerk

Adopted: 6/8/2021
Noticed: 6/15/2021