

TOWN OF ADDISON

ORDINANCE NO. 2007 - 01

AN ORDINANCE TO REPEAL AND RECREATE AN ORDINANCE RELATING TO ROAD ACCESS PERMITS, CONDITIONS AND BONDS, IN THE TOWN OF ADDISON

THE TOWN BOARD OF THE TOWN OF ADDISON, WASHINGTON COUNTY, WISCONSIN,
DOES ORDAIN TO REPEAL AND RECREATE TOWN OF ADDISON ORDINANCES RELATING
TO ROAD ACCESS PERMITS, CONDITIONS AND BONDS AS FOLLOWS:

SECTION ONE: ROAD ACCESS AND CULVERT

- (a) No person shall construct a driveway, make any excavation, or fill, or install any culvert, or make any other alteration in any Town highway, or in any manner disturb any Town highway without an Driveway Access Permit granted by the Town. In the event then owner and/or builder and/or sub-contractor construct a driveway, make any excavation, or fill, or install any culvert, or make any other alteration in any Town highway, or in any manner disturb any Town highway without an Driveway Access Permit granted by the Town, the driveway shall be removed, or modified to meet or exceed the requirements set forth in this ordinance, at the property owner's expense, after a Driveway Access Permit is granted by the Town, at a fee three (3) times the fee amount specified in Section Five of this ordinance.
- (b) The Town Chairman, or his designee approved by the Town Board, is hereby designated as the administrative and enforcement officer for the provisions of this section, and is hereby granted full authority to issue permits and to deny applications.
- (c) Every application for a permit for driveway construction, installation of a culvert, or any other alteration in any Town highway shall be accompanied by such plan or drawing indicating the location of the proposed road access to the parcel of land, the proposed location of the culvert, and any other information as may be required by the Town Board.
- (d) Every application for a permit for driveway construction, installation of a culvert or any other alteration in any Town highway shall be accompanied by a Driveway Access Permit fee in the amount of \$75.00.
- (e) The entire cost of installing and maintaining the driveway access and culvert, including repairs and restoration, shall be the financial responsibility of the applicant.

SECTION TWO: BOND

- (a) Every application for a driveway access permit shall be accompanied by a roadway protection bond in the amount of \$500.00. No building permit shall be valid within the Town of Addison for any building to be erected on any site which fronts upon a Town road, or for which the driveway will enter upon a Town road, unless the owner or builder deposits with the Town Clerk the roadway protection bond. The purpose of this bond is to protect Town roads from damage due to construction equipment moving thereon, from becoming coated with mud and debris, and from damage to shoulders, ditches and other structures on the right-of-way.

SECTION THREE: CONDITIONS OF BOND

- (a) Any damage to the surface, shoulders or ditches of the Town road shall be repaired by the owner and/or builder within a reasonable length of time.
- (b) Any mud or other debris placed upon the surface of the Town road by the owner and/or builder or any sub-contractor or either shall be cleaned from the Town road by the owner and/or builder and sub-contractors prior to the end of each work day.
- (c) All road access and culverts installed, altered, changed, replaced or extended, shall meet or exceed requirements set forth in the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07.
- (d) In the event the owner and/or builder and/or sub-contractor does not comply with (a), (b) and (c) above, the Town may use the bond for the purpose of repair and clean up of said road or roads, shoulders, or ditches. If the owner and/or builder comply with the provisions hereof, the bond shall be refunded upon completion of the building, issuance of a final occupancy permit by the Town Building Inspector, and approval of the Town designee. If the Town is required to repair or clean up the road, correct drainage issues, or correct installation of the culvert, then only so much of the bond as is not required to pay for said work shall be refunded. If the Town is required to repair or clean up the road, correct drainage issues, or correct installation of the culvert, and the cost of such repairs and/or clean up exceeds the amount of the bond, the property owner shall be billed for the additional costs. Nothing herein shall be construed as limiting the Town's rights and remedies against any owner or builder.
- (e) All bonds shall be refunded to the original payer. A sign-off document, which includes driveway access and culvert requirements, shall be signed by the property owner before a bond refund is issued.
- (f) No concrete surface shall be allowed within the Town right-of-way. Any concrete placed within the right-of-way must be removed at the property owner's expense. In the event the owner and/or builder and/or sub-contractor install concrete in the Town right-of-way, the bond shall be forfeited in its entirety.
- (g) In the event that any final inspections, more than one, are necessary, the amount of \$15.00 for each additional inspection shall be deducted from the bond to be refunded.

SECTION FOUR: LIMITATIONS AND STANDARDS

- (a) No access to a Town roadway shall be permitted that does not meet or exceed requirements set forth in the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07.
- (b) In acting upon applications for access permits, the Town Board designee shall, giving due regard to road surfaces, topography, visual obstructions, road grades, speed limits, traffic patterns and the development of nearby areas, determine whether the proposed access location is consistent with public safety, sound planning principles, the logical extension of roads and public services, and the requirements set forth in the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07.

- (c) All culverts, drain pipes or other similar conduits placed on, in and along the public right-of-way of a Town road to provide private driveway access or for any other reason, shall be of sufficient size and construed in such manner, and of such materials, as to provide adequate provision for the flowage of water naturally accumulating or flowing along the ditches and right-of-way of such roads. Such culverts shall be of sufficient length so as to prevent injury to persons or property in the use of the roadways, or the entrances to, or exits from the roadway over and across such culverts. The length and diameter of the culvert shall be as designated on the culvert permit. The culverts shall be made of new-galvanized steel, meeting State highway gauge. End culvert pieces or sections, shall be made of galvanized steel.
- (d) Driveways in excess of 200 feet in length have additional construction and installation requirements, which shall be provided by the Town designee to the owner and/or builder upon approval of the Road Access Permit approval.

SECTION FIVE: FEES

- (a) Every application for an access permit shall be accompanied by the required permit fee in the amount of \$75.00 and a bond in amount of \$500.00.

SECTION SIX: DRIVEWAY AND CULVERT INSTALLATION

- (a) The applicant or his authorized agent shall provide that all driveways and access installed, altered, changed, replaced or extended shall be meet or exceed requirements set forth in the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07. No concrete surface shall be allowed within the right-of-way. Any concrete placed within the right-of-way shall be removed at the property owner's expense.
- (b) The applicant or his authorized agent shall provide and install each culvert placed in the right-of-way of a public road as required by the Town. The ditch shall be properly prepared to accept the placement of the culvert. The culvert shall be installed in accordance with the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07, and with sufficient gravel placed thereon to afford safe ingress and egress prior to the use thereof.

SECTION SEVEN: REPAIRS AND REPLACEMENT OF EXISTING CULVERTS

- (a) The Town Board designee shall investigate existing culverts or other drain pipes placed within the right-of-way of Town roads, and if he determines that an existing culvert is not properly maintained so as to provide for the proper flowage of water, it may order the abutting property owner to repair the same or to remove such culvert and replace it with a culvert meeting the requirements of the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07.

SECTION EIGHT: ROAD OR RIGHT-OF-WAY DAMAGE

- (a) The permit holder shall be liable for all damages to the road surface or any portion of the road right-of-way which may result from any ingress or egress over the culvert, or any portion of the right-of-way abutting the property described on the permit.

- (b) If any driveway access or culvert is installed, or any excavation, fill, or any other alteration is made in violation of the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07, the roadway and right-of-way may be restored to it's former condition, or corrected to meet or exceed the Town requirements, by the Town, and the cost of materials, labor and equipment incurred by the Town shall be billed to the abutting property owner, and if not paid within 30 days, shall be a special charge to be collected as a tax upon the property.
- (c) All debris carried onto any Town highway shall be removed by the responsible party immediately or be subject to the provisions of Wisconsin State Statute 86.07.

SECTION NINE: TOWN EQUIPMENT OR PROPERTY DAMAGE

- (a) The permit holder or property owner shall be liable for all damages to Town equipment or Town property which is a result of failure to comply with all Town driveway access and culvert installation requirement and the Town of Addison Driveway Access Permit and the Town of Addison Zoning Ordinance, Section 4.06 and Section 4.07. The cost of materials, labor and equipment incurred by the Town shall be billed to the abutting property owner, and if not paid within 30 days, shall be a special charge to be collected as a tax upon the property.

SECTION TEN: Provisions in Conflict

All ordinances and resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of said conflict.

SECTION ELEVEN:

This Ordinance shall take effect the day after proof of posting of the same in three (3) public places in the town and has been filed and recorded by the Town Clerk.

PASSED AND ADOPTED by the Town of Addison, Washington County, Wisconsin, this 15th day of March 2007.

TOWN BOARD, TOWN OF ADDISON
WASHINGTON COUNTY, WISCONSIN

Robert A. Bingen, Chairperson

Donald Heesen, Supervisor

Ronald T. Hefter, Supervisor

ATTEST:

Gary Karnitz, Supervisor

Ellen Wolf, Clerk

Daniel R. Wolf, Supervisor