

## TOWN OF MONROE DRIVEWAY ORDINANCE

THE TOWN BOARD OF THE TOWN OF MONROE does hereby repeal the Town of Monroe Amended Driveway Permit Ordinance dated July 1, 2007 and recreates and ordains as follows:

### SECTION 1. INTRODUCTION AND PURPOSE.

- A. Title. The title of this Ordinance shall be known as the "Town of Monroe Driveway Ordinance."
- B. Purpose. The purpose of this Ordinance is to promote public health, safety and the general welfare of the community, and to allow for the safe passage of emergency services personnel and equipment in the Town of Monroe. This Ordinance will regulate the placement, design, modification and repair, of Driveways accessing public highways and Town Roads in the Town of Monroe. Further it is the intention of the Town of Monroe, by enactment of this ordinance, to encourage landowners to maintain, update and improve existing Driveways.
- A. Scope. This Ordinance applies to all Driveways installed, altered, changed, replaced, connected to, constructed, extended or substantially modified which provide vehicular access to dwelling units, commercial or agricultural buildings, after the effective date of this Ordinance. The Town of Monroe will regulate all Driveways from the point of state, county, or township right-of-way, to the site of the home or building constructed. If a new construction site Driveway connects to an existing Driveway, then the complete Driveway must comply with existing Driveway regulations from the road right-of-way to the building site.
- C. Authority. This Ordinance is adopted pursuant to the general policy granted under §60.22 (3) and §61.34(1) and specific authority under §236.45, Wisconsin Statutes.
- D. Severability. The provisions of the Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the applicability thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.
- E. Effective date. This Ordinance shall take effect and be in force on SEPT 1, 2011, after its passage by the Town Board on AUG 18, 2011 and publication or posting on AUG 20, 2011.

**SECTION 2: DEFINITIONS.** In this Ordinance, unless the context otherwise requires, the following terms are defined as follows:

- Driveway: means a private access, field road or other traveled way giving access from a Town Road or public highway to 1 or more buildings located, or to be constructed, on private adjacent property.
- Joint Driveway: means a Driveway shared by two adjacent land owners.
- Planning Commission: means the Town of Monroe Planning Commission.
- Roadbed: means the foundation laid of crushed rock or other material to support the surface of the Driveway.

- Road Security Deposit: means a sum of money paid to the Town of Monroe by the applicant or land owner(s) to protect existing Town Roads from damage caused by the applicant or land owner(s) during any phase of construction of a Driveway.
- Driveway / Access Verification Certification Form: means a statement issued by the Town Board and signed by the Town Chairman that the Driveway has been constructed properly and in accordance with the Town of Monroe Driveway Ordinance.
- Town Board: means the Town Board of Supervisors for the Town of Monroe.
- Town Road: means a way established and adopted by the Town Board for the use of the general public, and over which every person has a right to pass and to use it for all purposes of travel or transportation to which it is adapted and devoted. A Town Road is maintained by and at the expense of the Town of Monroe.

### SECTION 3: CREATION, ALTERATION OR MODIFICATION OF DRIVEWAYS.

- A. Approval Required. No person shall establish, construct, modify or alter a Driveway without first filing an application and obtaining the appropriate permit from the Town Board. If the use of a Driveway changes, a new Driveway permit must be applied for, and permit fees paid, unless waived by the Town Board. All new residential construction requires a Driveway permit.
- B. Expiration and Extensions of Permits. All Driveway permits expire 1 year after issuance. An extension of 1 year may be granted by the Town Board for any construction not completed during the permit period, subject to the then current ordinance specifications. A reapplication fee of \$500.00 shall be required for any extension.

### SECTION 4: MINIMUM DRIVEWAY DESIGN AND CONSTRUCTION SPECIFICATIONS

- A. Minimum Driveway Design and Construction Specifications. Unless greater requirements are required by the Wisconsin Statutes or Green County Code, all Driveways must meet the following minimum specifications:
- 1) There must be adequate vision of oncoming traffic from the Driveway, at the spot where the Driveway meets the edge of the highway pavement, for a distance of 350 feet in each direction. Banks must be sloped so sight is unrestricted.
  - 2) Driveways shall be at least 100 feet from the paved or traveled portion of an intersecting public highway.
  - 3) The Driveway approach angle at the edge of the right-of-way must be between 70 and 110 degrees. The portion of a Driveway that is within the area of the public right-of-way shall slope away from the public road at the minimum of 1% and a maximum of 5% to prevent erosion onto the public road.
  - 4) Each Driveway shall have a culvert at the ditch line where the Driveway meets the public road unless special permission is obtained from the Town Board. The property owner shall furnish all required culverts, the diameter of which shall be a minimum of 18 inches, and the length to be 24 feet, or as otherwise determined by the Town Board. The owner shall be responsible for all costs and installation of the culverts. Requirements for additional culverts shall be determined by the Town Board and applicant.
  - 5) Culvert or bridge access on private Driveways must have a 24 feet wide clearance, capable of supporting heavy emergency vehicles.

- 6) Curves in the Driveway must have an inside radius of not less than 45 feet.
- 7) The Driveway's Roadbed shall consist of the following:
  - i. A base of a minimum of 4 inches, of 2 inch to 4 inch breaker rock, unless a greater amount is deemed necessary by the Town Board, depending on the site condition; and
  - ii. A top layer of 5 inches of 3/4 inch gravel.
- 8) The minimum Driveway width shall be as follows:
  - i. For a Driveway servicing only 1 home or business, the minimum road width shall be 20 feet consisting of a minimum width of 16 feet of driving surface and 2 feet of shoulders on each side.
  - ii. For Joint Driveways, the minimum road width shall be 24 feet, consisting of a minimum width of 18 feet of driving surface and 3 feet of shoulders on each side.
- 9) The maximum grade of a Driveway shall be 10 percent, with any exceptions requiring prior approval of the Town Board.
- 10) The minimum height clearance (free of trees, brush, wires, etc.) shall be 14 feet to permit the safe passage of emergency vehicles, and must be maintained by the Driveway owner as such.
- 11) At the dead end of all new Driveways, a turn-around radius of at least 30 feet, or some other method, to allow vehicles to turn around shall be provided, as determined by the Town Board.
- 12) Adequate erosion control measures shall be employed during construction of the Driveway. All disturbed ground and side banks shall be seeded promptly to control erosion.

B. Inspection(s) Required.

- 1) Inspections.
  - i. The Roadbed shall be inspected after each layer is finished.
  - ii. Core samples of the Roadbed may be taken at the discretion of the Town Board or designee.
- 2) Notice. Unless a shorter time period is agreed by the Town Board or its designee, the land owner or applicant shall provide 3 days advance notice of the date and time of the inspection to the Town Board so that the Town Board or its designee can observe the inspection.
- 3) Inspectors. All inspectors shall contain proper certifications and shall be approved by the Town Board prior to any inspection.
- 4) Cost of Inspection. All costs of any inspection shall be sole the responsibility of the applicant or land owner.

## SECTION 5: APPLICATION FOR DRIVEWAY PERMIT

- A. Application. An applicant or land owner(s) may file an application to the Town Board for creation or modification of a Driveway as follows:
- 1) An original and three copies of the written Driveway application shall be provided to the Town Clerk describing the location of the proposed Driveway and the names and addresses of all landowners that will be using the intended Driveway.
  - 2) A nonrefundable fee of \$500.00 for the Driveway Permit shall be paid to the Town Clerk. The amount of the fee for the Driveway Permit may change from time to time by a future resolution of the Town Board.
  - 3) A fee of \$1,500.00 for the Road Security Deposit shall be paid to the Town Clerk. The amount of the fee for the Road Security Deposit may change from time to time by a future resolution of the Town Board.
  - 4) If the application is for a Joint Driveway, the applicants shall provide a Joint Driveway Agreement signed by all parties establishing responsibility for the construction and maintenance of the Joint Driveway and restrictions, if any, on its use. The Joint Driveway Agreement shall be in recordable form and shall be recorded with the Green County Register of Deeds prior to any final approval or acceptance of the Joint Driveway.
  - 5) When deemed necessary, the Town Board may require the applicant(s) to provide additional materials such as a plat or certified survey map of the proposed Driveway, a topographical map, aerial photos of the location of the Driveway and existing Driveways, or other like information.
- B. Site Review Prior to Construction. The Planning Commission and/or the Town Board will view the proposed site of the Driveway prior to any construction of the Driveway or issuance of any building permits.
- C. Initial Approval by Town Board. Upon the recommendation of the Planning Commission, the Town Board may grant initial approval to the applicant to start construction on the Driveway. No building permits shall be issued nor shall any construction take place until final approval of the Driveway Permit is given by the Town Board.
- D. Final Approval by Town Board. Final approval on the Driveway Permit shall not be issued by the Town Board until the Driveway has been designed, inspected and constructed as required herein, with the exception that the final layer of gravel as required by Section 4(A)(7)(ii) of this Ordinance does not have to be completed until all construction is completed. Approval or denial of the application to create or modify a Driveway shall be made at the discretion of the Town Board.
- E. Occupancy Permit. No occupancy permit shall be issued by the Building Inspector until the final layer of gravel as required by Section 4(A)(7)(ii) of this Ordinance is completed and the Driveway meets all design and construction requirements required herein.
- F. Proper Completion of Driveway. Upon proper completion of the Driveway according to the specifications of this Ordinance (unless waived by the Town Board), the Town Board shall issue a Driveway / Access Verification Certification Form to the applicant.

## SECTION 6. RETURN OF ROAD SECURITY DEPOSIT.

### A. Damages to Existing Town Roads.

- 1) **Damages.** If at any phase in the construction of the Driveway, the applicant, land owner(s) or its designee causes damage to any existing Town Road, it shall be repaired at the sole cost to the applicant, land owner(s) or its designee within the time period as directed by the Town Board. If the damages are not repaired within the time frame directed by the Town Board, the Town Board may fix or may contract with a third party to fix the damaged Town Road and all such costs shall be deducted from the Road Security Deposit. If the damages are greater than the Road Security Deposit, then the Town of Monroe shall send an itemized statement of damages to the applicant, land owner(s) or its designee and such amount shall be paid within 30 days.
- 2) **Unpaid Damages / Special Assessment.** All damages greater than the Road Security Deposit that remain unpaid more than 30 days from the date of the itemized statement shall accrue interest at the rate of 1.5% per month commencing from the date of the itemized statement until paid in full. At the discretion of the Town Board, after providing reasonable notice and the opportunity for a hearing, the Town Board may make a special assessment for the amount of unpaid damages and interest against the land owner causing such damage. The Town Board shall provide a date specific for payment of the assessment, and if not made by such date, the assessment shall be levied against the land owner's property as provided by law. The special assessment becomes a lien against the land owner's property from the date of the levy.

B. No Damages to any Existing Town Roads. After the Driveway has been constructed and the Driveway / Access Verification Certification Form is signed by the Town Chairman, and if there are no damages caused by the applicant, land owner(s) or its designee, to any existing Town Road, then the Road Security Deposit shall be returned to the party posting such deposit. No interest shall be paid by the Town of Monroe for the period that such deposit is held by the Town of Monroe.

C. Expiration of Driveway Permit but Non-completion of Driveway. If a Driveway is not constructed within the 1 year time limit and no extension is approved, the Road Security Deposit shall be refunded based on subparagraphs (A) and (B) depending on whether or not there are damages to any Town Roads.

## SECTION 7: VARIANCES.

- A. General. Variances from the provisions within this Ordinance may be generated by the Town Board. Nothing in this Ordinance removes the applicant's responsibility to be in conformance with any other State laws, or County or Town ordinances.
- B. Standards to Grant Variance. The standard to be applied by the Town Board when considering a request for a variance under this Ordinance is whether compliance with the strict letter of the restrictions within this Ordinance unreasonably prevents the applicant from using the property for a permitted purpose or will render conformity with such restrictions unnecessarily burdensome. To legally grant the variance the Town Board must affirmatively find as follows:
  - 1) The proposed variance will not be contrary to the public interest;
  - 2) The property has a special or unique condition;
  - 3) The applicant is prevented from using the property for a permitted purpose or such use will be unnecessarily burdensome.

**SECTION 8: VIOLATIONS OF THIS ORDINANCE.**

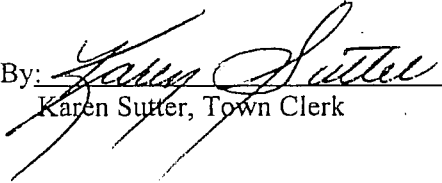
A person who violates any provision of this Ordinance or fails to comply with any of its requirements shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, plus costs of the action. A separate offense exists each calendar day during which a violation occurs or continues.

**EXECUTION**

This ordinance was adopted by the Town Board on Aug 18, 2011, after its passage by the Town Board by a vote of 3 ayes and 0 nays. Motion carried.

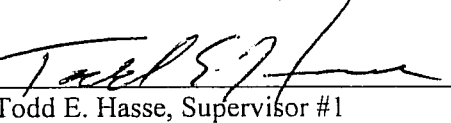
Dated this 18<sup>th</sup> day of Aug, 2011.

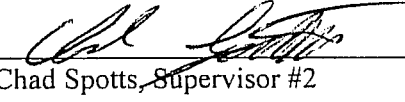
Town of Monroe

By:   
Karen Sutter, Town Clerk

Town of Monroe, Town Board

By:   
Alois Mayer, Chairman

By:   
Todd E. Hasse, Supervisor #1

By:   
Chad Spotts, Supervisor #2