

SEC. 4-3-7 PENALTIES.

Any violation of this Chapter 3 by any person shall result in a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each such violation; and each day that a violation continues shall be considered a separate violation for purposes of this Section 4-3-7. Further, the person violating any provision of the Chapter shall reimburse the Town for all costs and expenses incurred by it, including reasonable attorneys fees and costs.

CHAPTER 4

Driveways; Culverts

- 4-4-1 Driveway Permits; Culvert Requirements
- 4-4-2 Driveway and Culvert Locations, Design and
- 4-4-3 Enforcement
Construction Requirements

SEC. 4-4-1 DRIVEWAY PERMITS; CULVERT REQUIREMENTS.,

- (a) **Purpose.** For the safety of the general public, the Town of Rice Lake shall determine the location, size, construction and number of access points to public roadways within the Town limits. It is the Town's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- (b) **Culvert Requirement.** (1) Construction. No person shall construct any driveway or private road in a public right-of-way of the Town of Rice Lake without installing a culvert in full compliance with this Section. Included within the scope of this requirement are commercial driveway. (2) Reconstruction. In the event any person should reconstruct any existing driveway or private road, any existing culvert shall be inspected by the Town Board to ascertain its age, appearance and functionality. If the Town Board determines that the culvert is in need of replacement, then the person doing the reconstruction shall replace the culvert with a new culvert that satisfies the provisions of Section 4-4-2 below. (3) The Town Board shall have the authority to inspect all culverts located within the right-of-way of any Town road to ascertain its condition, age and functionality. If the Town Board determines that the culvert is in need of replacement, the Town Board shall so notify the person owning and/or operating the private road or driveway. The Town Board may direct the said

person to replace the culvert within a period of time not to exceed ninety (90) days after notice thereof.

(c) **Driveway and Culvert Permit Required; Application; Fee.**

(1) Permit Requirement. No person shall locate, establish, construct or reconstruct a private driveway, road, or other access from a private property line to the traveled portion of any public Town road without first filing an application and obtaining a driveway permit from the Town of Rice Lake.

(2) Application. Application for such permit may be made to the Town Clerk or Town Board. The request for such permit shall be in writing signed by the owner of the real estate affected or his agent and shall include design specifications and a drawing depicting the location and orientation of the proposed culvert in relationship to the real estate involved and the adjacent road, street, or highway. All costs of construction of the driveway and inspection thereof shall be paid by the person requesting the permit.

(3) *Added - See ordinance 04-101 attached*

(d) **Application Provisions.** All driveway permit applications shall contain the applicant's statement that:

(1) The applicant represents all parties in interest, and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Town road or street, or for any other purpose.

(2) The Town, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Town road or street at any time, including relocation, reconstruction, widening and maintaining the street without compensating the owner of such private driveway for the damage or destruction of such private roadway.

(3) The permittee, his successors or assigns, agrees to indemnify and hold harmless the Town of Rice Lake, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.

(4) The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Town road or street.

SEC. 4-4-2 DRIVEWAY AND CULVERT LOCATION, DESIGN AND CONSTRUCTION REQUIREMENTS.

(a) **General Requirements.** The location, design and construction of driveways shall be in accordance with the following:

- (1) **General Design.** Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least ten (10) feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
- (2) **Number.** The number of driveways to serve an individual residential or commercial property fronting on a street shall be one (1), except where deemed necessary and feasible by the Town Board for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
- (3) **Island Area.** The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection (5).
- (4) **Drainage.** The surface of the driveway connecting with street cross sections shall slope downward and away from the highway shoulder a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed. No driveway apron shall extend out into the street further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be so constructed that they shall not interfere with the drainage of streets, side ditches, or roadside areas or with any existing structure on the right-of-way.
- (5) **Restricted Areas.** The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:

- a. The filing or draining shall be to grades approved by the Town Engineer and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
- b. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate manholes adequate for cleanout purposes may be required where the total culvert length is excessive.
- c. Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.

(6) Relocation of Utilities. Any cost of relocating utilities shall be the responsibility of the property owner with approval of the Town Board necessary before any utility may be relocated and the driveway installed.

(7) Variations. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.

(b) **Special Requirements for Commercial and Industrial Driveways.** The following regulations are applicable to driveways:

(1) Width of Drive. All driveways shall have a minimum width of twelve (12) feet and a maximum width of forty (40) feet as measured at the road right-of-way line. All driveways in excess of forty (40) feet shall be bi-directional with a minimum of a six (6) foot wide barrier island down the middle separating the two directions of travel.

(2) Angular Placement of Driveway. The angle between the center line of the driveway and the curb line or road edge shall not be less than 45°.

(c) **Appeal from Permit Refusal.** Any person feeling himself aggrieved by the refusal of the Town Board to issue a permit for a private driveway may appeal such refusal to the Town Board within twenty (20) days after such refusal to issue such permit is made.

(d) **Prohibited Driveways.**

- (1) No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Town of Rice Lake except as permitted by this Section. As used herein the word "structure" includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this Chapter.
- (2) The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

(e) **Culvert Construction Standards.**

*Amended -
See ordinance
04-101 attached*

- (1) Installation. ~~The installation of a driveway, including up to 15 yards of fill sand, gravel, or a combination of such, shall be provided by the Town of Rice Lake. The culvert shall be purchased and paid for by the property owner. The total cost of a second driveway shall be paid by the person requesting the permit within thirty (30) days of construction.~~
- (2) Size. Culverts shall be installed prior to construction work being commenced on the property served. No pipe smaller than eighteen (18) inches in diameter (or equivalent elliptical or arch pipe), shorter than twenty-four (24) feet in length or longer than forty (40) feet in length will be allowed. All culverts shall be constructed of galvanized steel, aluminum, or reinforced concrete, and shall be of new manufacture, unless specifically excepted by the Town Board. All exceptions to size require board approval prior to obtaining a permit.
- (3) Gauge. The minimum wall thickness for the pipe culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
18 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

- (4) Drainage. The culverts shall be placed in the ditch line at elevations that will assure proper drainage.

- (5) Backfill Material. Material used for backfill shall be of a quality acceptable to Town officials and shall be free from frozen lumps, wood, or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the subgrade, shall be twelve (12) inches.
- (6) Erosion Control. Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Town Engineer.
- (7) Appeal. Persons may request a variance from the culvert requirements of this Section by filing a written appeals request with the Town Clerk, who shall place the matter as an agenda item for the Town Board's next meeting. The Town Board may only waive the requirement for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary. The Town Engineer may be asked to render an opinion on the request.

SEC. 4-4-3 ENFORCEMENT.

All costs incurred by the Town relating to the enforcement of this Chapter or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. Such costs shall be payable from the permit fee established in Section 4-4-1(c)(3) above. If a property owner refuses to comply with the Chapter, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to Sec. 66.60(16), Wis. Stats. Further, any violation of this Chapter 4 by any person shall result in a forfeiture of not less than \$100.00 nor more than \$1,000.00 for each such violation; and each day that a violation continues shall be considered a separate violation for purposes of this Section 4-4-3.

This ordinance shall be effective after adoption by the Town Board and publication or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Rice Lake on May 8, 2000.

Paul Willger
Paul Willger, Supervisor

Clarence Conroy
Clarence Conroy, Supervisor

Henry Drunken
Henry Drunken, Chairman

Paul Buesser
Paul Buesser, Supervisor

Thomas Fankhauser
Thomas Fankhauser, Supervisor

Attest: Janet Tomesh
Janet Tomesh, Clerk

ORDINANCE #04-101

AN ORDINANCE TO AMEND ORDINANCE #00-103 "REGULATING ROAD EXCAVATIONS, PROVIDING FOR THE REMOVAL OF OBSTRUCTIONS FROM PUBLIC HIGHWAYS AND FOR THE INSTALLATION OF CULVERTS"

The Town Board of the Town of Rice Lake, Barron County, Wisconsin, does hereby ordain to make the following amendments to Ordinance #00-103:

1. Change Section 4-3-1(b) to read:

(b) Fee. The fee for an excavation or opening permit shall be Forty-Five Dollars (\$45.00). Said fee shall be payable to the Town of Rice Lake and submitted to the Town Clerk along with the required application.

2. Change Section 4-3-5 to read:

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, snow, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Rice Lake, without written permission of the Town Board for temporary use.

3. Change Section 4-3-6 (d) to read:

(d) The support for the mailbox and newspaper tube shall adhere to the standards governing construction of mailbox supports as established by the Wisconsin Department of Transportation and shall not constitute a hazard to the public use of the right-of-way. Said support shall be a wood post, steel pipe, or steel channel installed no more than 24 inches in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of 42 inches but not to exceed a maximum of 48 inches above the ground surface. The support should be the following dimensions:

1. Square wood post: 4 X 4 inch nominal
2. Round wood post: 4 inch diameter
3. Steel pipe: 1 ½ inch inside diameter
4. Steel channel: 2 pounds per foot

Dimensions exceeding these will be deemed unacceptable. The support should not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports but should not be imbedded more than 10 inches into the ground. The box-to-post attachment should be sufficient to prevent the separation of the box from the support post when struck, and to withstand flying snow and slush from traffic and snowplows.

4. Change Section 4-3-6 (e) to read:

(e) Mailbox and newspaper tubes must be located on the side of the road required by the United States Postal Service and so that the face of the mailbox is aligned with the outside edge of the graveled shoulder or a minimum distance of one (1) foot from the paved portion of the highway, whichever is greater.

5. Change Section 4-3-6 (h) to read:

(h) Installations should take into account existing roadside conditions such as proximity to intersections; blind spots caused by curves, hills, and vegetation; and utility poles, guardrails, nearby bridges, and other physical installations. Placing mailboxes a short distance away from driveways and intersections helps to avoid vision-restricting snowbanks and also damage to our mailbox.

6. Add Section 4-3-6 (i) to read:

(i) This Section is not intended to and shall not be construed to create any affirmative duty on the part of the Town of Rice Lake to locate and remove obstructing mailboxes. The Town of Rice Lake is not liable for damage to mailboxes caused by snow while snowplowing.

7. Add Section 4-3-7 (c)(3) to read:

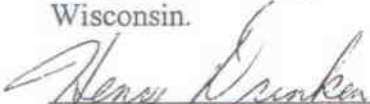
(3) Fee: The fee for a driveway permit shall be Twenty-Five Dollars (\$25.00). Said fee shall be payable to the Town of Rice Lake and submitted along with the required application.

8. Change Section 4-4-2 (e) (1) to read:

(1) Installation. All excavation work, installation of culverts, and costs associated with such shall be the responsibility of the person requesting the permit, and shall be paid in full within thirty (30) days of construction. The Town Chairman, or his designee, shall be notified at least 48 hours in advance of driveway construction to allow for inspections and supervision for proper culvert placement.


This Ordinance #04-101 shall take effect immediately upon passage and posting (or publication) as provided by law.

Adopted this 9th day of February, 2004 by the Town Board of the Town of Rice Lake, Barron County, Wisconsin.


Henry Drinken, Chairman

Attest:

Posted: February 10, 2004


Janet Tomesh, Clerk