

TOWN OF WEST POINT

The Town held a public hearing to allow all interested parties to be heard, concerning proposed amendments to the Town's Ordinances that have been recommended by the Town's Plan Commission. The sections recommended for amending were: Chapter 3 of the Town's Code of Ordinances is entitled **Boards and Committees**. The recommended amendments to that Chapter cover Sections 3.12, 3.20, 3.21, 3.22, 3.23, 3.31 and 3.38(D) of that Chapter; Chapter 6 of the Town's Code of Ordinances is entitled **Land Division, Siting Criteria and Transfer of Residential Development Rights and Regulations**. The proposed amendments to that Chapter cover Sections 6.04(A)(2)(D), 6.12 (B) – (D), and 6.20 (A)(1) of that Chapter; Chapter 8 of the Town's Code of Ordinances is entitled **Building Code**. The proposed amendments to that Chapter cover Sections 8.04, 8.05, 8.07, 8.11 and 8.12 of that Chapter; and Chapter 12 of the Town's Code of Ordinances is entitled **Roads and Construction and Maintenance of Driveways**. The recommended amendments comprehensively amend and restate the provisions of that Chapter. The public hearing was published in the Lodi Enterprise, the Star News, posted in the three designated places in the Town and on the Town's website. The public hearing was opened at 7:00pm on Thursday, October 13, 2022 and all Town Board members were in attendance. No public comments were received. The public hearing was closed at 7:05pm.

Pursuant to Wisconsin State Statute 19.84, the Town Board of the Town of West Point held their regular monthly meeting on Thursday, October 13, 2022 at the West Point Town Hall and via Zoom. The meeting was published in the Lodi Enterprise, the Star News, posted in the three designated places in the Town and on the Town's website.

The Town Board meeting was called to order by Ashley Nedeau-Owen - Town Chairman, at 7:05 p.m. The Town Board members present at the Town Hall were: Ashley Nedeau-Owen - Town Chairman, Kevin Kessler - 1st Supervisor, Scott Earnest - 2nd Supervisor, John Ungrodt - 3rd Supervisor, and David Lendved - 4th Supervisor. Also present were Taffy Buchanan - Town Clerk and Sharon Richmond - Town Treasurer.

The Pledge of Allegiance was said.

A motion was made by Scott Earnest to approve the agenda as presented and discuss agenda items #11, #12, & #13 together 2nd by David Lendved – motion carried unanimously.

Citizen Input – None

Copies of the September 8, 2022 Town Board Meeting minutes were emailed to each Town Board member prior to the meeting for their review. A motion was made by John Ungrodt to approve the September 8, 2022 Town Board Meeting minutes as presented, 2nd by David Lendved - motion carried unanimously.

Treasurer Sharon Richmond had prepared and the Clerk presented the following report: General Fund as of September 30, 2022 - \$533,844.15; Coronavirus Recovery Acct (ARPA Funds) - \$208,887.36; Park Fund \$2,727.00; Historical Society is \$6,249.13; and Savannah Tree is \$1,159.38 is in a 1-year CD (matures 5/24/23). The Town Treasurer and Town Clerk reconciled the bank accounts for the month of September.

The Treasurer sent out a “draft” newsletter to the Town Board that will be an insert in the tax bills. The Board suggested putting information in the newsletter urging residents for safety reasons to replace worn and hard to read fire numbers.

Correspondence – The LAFD Fire Commission sent minutes from their August 16, 2022 meeting. Columbia County announced the opportunity for current Farmland Preservation Program participants to enroll in the West Point Agricultural Enterprise Area. The Town received a thank you from American Legion Post 216 for the contribution to the fund for the replacement of flags placed on graves of veterans. Columbia County is making a list of residents interested on being members of the board of adjustments. Sauk Fire District Commission sent the “draft” minutes from their September 21st, 2022 meeting. Columbia County Board of Adjustments approved the variance for Mike Zaucha at N2280 Old Sauk Road. Columbia County will hold a public hearing on November 1st, 2022 for a Shoreland Fill and Grade Permit for Crystal Lake Park, LLC, N586 Schoepp Road. The Lodi Library sent a thank you note for the financial contribution that was budgeted and sent to them. Kevin Kessler will meet with the Town Attorney on Tuesday

The bills were reviewed by each town board member prior to the town board meeting. A copy of the bills, deposits, and budget for 2022 were given to

each town board member for their information. A motion was made by Kevin Kessler to approve to pay the bills as presented, 2nd Ashley Nedeau-Owen – motion carried unanimously.

The Plan Commission and Town Board have been working on making amendments to Chapters 3, 6, 8, 12 of the West Point Code of Ordinances.

A motion was made by Ashley Nedeau-Owen to adopt Ordinance #10-13-22A, 2nd by David Lendved – motion carried unanimously.

A motion was made by David Lendved to adopt Ordinance #10-13-22B, 2nd by John Ungrodt – motion carried unanimously.

A motion was made by David Lendved to adopt Ordinance #10-13-22C, 2nd by Scott Earnest – motion carried unanimously.

A motion was made by David Lendved to adopt Ordinance #10-13-22D, 2nd by Kevin Kessler – motion carried unanimously.

Copies of the adopted ordinances are attached to the minutes.

Reports:

Columbia County Report – Doug Richmond reported the County worked on finalizing their budget. The mill rate for Columbia County will be going down.

Lodi Fire Commission – David Lendved reported Engine 11 is in service and they held an Open House on September 11, 2022. The Commission is recommending approval of the operating budget for the LAFD.

Sauk Fire District – David Lendved reported the Sauk Fire District has a full membership. They received verification that the volunteer support staff are covered by the Fire District's insurance.

Sauk Prairie Ambulance – no report

Lodi EMS Commission – no report

Plan Commission – Kevin Kessler reported the Plan Commission discussed a CSM for Jay Doescher and vacating Steckelberg Drive. They also recommended a waiver from Shifflet & Unke for an agricultural fence.

Transfer Site Report – Ashley Nedeau-Owen stated that hiring another employee for the Transfer Site would be helpful for scheduling.

Park & Open Space Committee – David Lendved said they had a meeting on September 19, 2022. The playground mulch was spread at Ryan and Selwood Park, more is needed at Selwood.

Broadband Committee – no report

Fish, Crystal, and Mud Lake District/Pumping – no report

Jason & Beth Doescher, Parcel #11040-383.B presented a CSM for a lot-line adjustment between their parcel and their neighbor's parcels, Phil Wruck, Parcels #11040-383, #11040-384.2, & #11040-396.3. They are also asking the Town to vacate a portion of Steckelberg Drive that their garage is on. For the Town to vacate a road a public hearing must be held. A motion was made by Kevin Kessler to authorize the Clerk to schedule a public hearing to vacate a portion of Steckelberg Drive, 2nd by David Lendved – motion carried unanimously. A motion was made by Kevin Kessler to postpone action on the CSM for a lot-line adjustment until after the public hearing and action is taken for the vacating of a portion of Steckelberg Drive and the Town has a revised CSM, 2nd by David Lendved – motion carried unanimously. A motion was made by Kevin Kessler to that when the Town Board determines it necessary, they should engage the Town Engineer to come up with alternatives to improving the end of Steckelberg, including but not limited to a turnaround, 2nd by John Ungrodt – motion carried unanimously.

The Town received a TRID grant for up to \$257,017.26 which is about 47% of the cost for the North / South section of Schoepp Road. The Town Chair, Town Engineer, Ron Grasshoff, Kurt Calkins had a meeting with the WDNR to clear up any issues and have a path to move forward with the project.

John Ungrodt is working on putting together information for opening roads for ATV / UTV routes in West Point.

At the October 14, 2021, Town Board meeting the Town Board denied a request by Duane Larson, W14185 West Point Drive, asking for a waiver for a permit for a second driveway on his property to reach his storage shed. There was an existing field access with a pvc culvert at this location that was never taken out when the subdivision was built, and he would like that to be his 2nd driveway. The Board denied the request for a 2nd driveway and required him

to remove the pvc culvert and return it to a ditch area and reseed. A motion was made by Kevin Kessler to reconsider the action taken by the Town Board at the October 2021 meeting of requiring the landowner to remove the culvert, because the landowner did not put the culvert in, it is not a driveway, and it is the Town's right-a-way, 2nd by David Lendved – motion carried unanimously.

The Town contracted work on Unke Road during that project the apron for Chris Dunn's driveway was supposed to be paved but was missed. At the last meeting a motion was made to authorize payment to Chris Dunn of \$2,100.00 as a reimbursement when the paving of his apron has been completed. Chris Dunn has decided to wait to have his driveway paved and asked Andy Zimmer, the former Town Engineer, how long he would have to get the reimbursement. A motion was made by David Lendved to extend the offer of reimbursement of \$2,100.00 until December 2024, 2nd by Scott Earnest – motion carried unanimously.

The Town received a request from Terry Shifflet and Patricia Unke for a waiver of the requirement to install fencing adjacent to ag land. A motion was made by Scott Earnest to waive the requirement for initial installation of "Fences Adjacent to Agricultural Lands" as indicated in Town Ordinance Chapter 6, Section 6.15(K), however, the Town reserves the right to require "Fences Adjacent to Agricultural Lands" at a later time, 2nd by David Lendved – motion carried unanimously.

Andy Zimmer, the former Town Engineer, recommended the reduction in surety for Shifflet Properties LLC because they have completed the majority of public improvements for the 4-lot subdivision. A motion was made by David Lendved to reduce the surety balance from \$254,051.96 to \$85,546.80, 2nd by Kevin Kessler – motion carried unanimously.

Doug Richmond, County Board Supervisor has been working on trying to help the residents of Pleasant View Park Plat and Weast Plat resolve the Promenade issues and having a "Assessors Plat" done. The County Finance Committee would like the Town to help get the Assessor Plat started by drafting a resolution to contribute toward the cost of the Assessors Plat. If the Town Contributed to the assessors plat it would be reimbursed through the special assessment process by the landowners. The Town Chair will discuss the drafting of a resolution with the Town Attorney.

The Town Board reviewed the draft Lodi Area Fire Department IGA. A motion was made by Kevin Kessler to approve the Lodi Area Fire Commission IGA as presented, 2nd by David Lendved – motion carried unanimously.

The green passes for the Transfer Site expire at the end of the year. A motion was made by David Lendved to print new Transfer Passes for 2023-2024 in a different color, 2nd by John Ungrodt – motion carried unanimously.

The Town Board will have a meeting to work on the 2023 budget on October 24th, 2022, at 5:00pm.

The Town will hold a public hearing for the 2023 budget on November 10th, 2022, at 6:00pm, with a Special Meeting of the Electors of West Point immediately following. The regular Town Board meeting will then be held immediately following the Special Meeting of the Electors.

The Wisconsin Election Commission has recommended that all municipalities change their email addresses to “wi.gov” addresses. A motion was made by Scott Earnest to pay Kerber-Rose \$667.00 to set up the Town of West Point email addresses to wi.gov addresses, 2nd by John Ungrodt – motion carried unanimously.

The next regular town board meeting will be on Thursday, November 10, 2022, at 7:00pm, on the agenda is: appoint Parks & Open Space Committee members, Public Hearing for vacating portion of Steckelberg Drive, Doescher CSM, Atv / Utv Routes, Promenade Resolution, Town roads, and any other business that can be legally added to the agenda.

A motion was made by David Lendved to adjourn the October 13, 2022, Town Board meeting at 11:03pm, 2nd by Ashley Nedeau-Owen – motion carried unanimously.

Respectfully Submitted By
Taffy Buchanan
Town Clerk

ORDINANCE NO. 10-13-22A

**ORDINANCE AMENDING SECTIONS 3.12, 3.20, 3.21, 3.22, 3.23, 3.31 AND
3.38(0) OF CHAPTER 3 OF THE TOWN OF WEST POINT CODE OF
ORDINANCES**

WHEREAS the Town of West Point's Plan Commission has reviewed and recommended to the Town Board that Sections 3.12, 3.20, 3.21, 3.22, 3.23, 3.31 and 3.38(D) of the Town's Code of Ordinances be amended; and

WHEREAS, after taking into consideration the recommendation of the Plan Commission, the Town Board desires to adopt the amendments to Chapter 3 recommended by the Plan Commission.

NOW, THEREFORE, the Town Board of the Town of West Point does hereby Ordain as follows:

1. Section 3.12 of the Town of West Point Code of Ordinances is hereby amended to provide:

Section 3.12 Commission Membership. The Commission shall consist of seven (7) members who shall be appointed by the Town Chairperson and approved by the Board. One of the Commission members may also be a member of the Board. The members of the Commission shall be individuals who have an interest in preserving the history of the Town. At least five (5) of the Commission members shall be residents of the Town.

2. Section 3.20 of the Town of West Point Code of Ordinances is hereby amended to provide:

The following standing committee with the membership indicated shall be maintained:

- A. Parks and Open Space Committee to consist of one (1) Board members and four (4) citizen members, which may include one (1) member of the Plan Commission.

3. Section 3.21 of the Town of West Point Code of Ordinances is hereby amended to provide:

The persons appointed to membership on standing committees will hold office for a term of two (2) years, subject to resignation or removal as provided in applicable Wisconsin Statutes, or until a successor has been appointed and qualified.

4. Section 3.22 of the Town of West Point Code of Ordinances is hereby amended to provide:

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Upon the expiration of any Committee member's term, or in the event of a vacancy on a standing committee, the Town Chair shall appoint the committee member to fill that spot on the committee, subject to confirmation by the Town Board.

5. Section 3.23 of the Town of West Point Code of Ordinances is hereby amended to provide:

A. Standing Committees Generally. Standing committees shall have such duties and responsibilities as prescribed by the Chair, the Board, and Town Ordinances. Each standing committee shall make recommendations to the Board as the committee deems appropriate or as may be directed by the Board. Standing committees may involve consultants with expertise in the subject matter being considered by the committee, provided that the committee shall not incur any expense without first obtaining Board approval.

B. Parks and Open Space Committee. The Parks and Open Space Committee shall have the following duties:

(1) Advise the Plan Commission and the Town Board on the acquisition and development of lands for Town parks and other Town lands intended for recreational use including proposed land dedications under s. 6.17 of the Town Code of Ordinances.

(2) Advise the Plan Commission and the Town Board on the expenditure of monies collected under s. 6.17(E) of the Town Code of Ordinances for the acquisition or initial improvement of park lands in accordance with s. 236.45(6), Wis. Stats.

(3) Advise the Town Board on maintenance, use and regulation of park lands in the Town.

(4) Advise the Plan Commission and the Town Board on updates and revisions to the Town of West Point Master Plan and the Comprehensive Plan adopted pursuant to s. 66.1001, Wis. Stats., as they relate to parks and open space for recreational use, and to preservation of environmental corridors.

(5) Advise the Plan Commission and the Town Board concerning the needs for and proposals for federal, state, county and Town recreational trails, parks and other recreational lands within the Town of West Point.

6. Section 3.31 of the Town of West Point Code of Ordinances is hereby amended at the indicated sections to provide:


Pursuant to Sections 60.22(3), 60.61(4), 61.35, 62.23, 66.1001, 236.02 and 236.45, Wis. Stats., and other applicable law, there is hereby created a "Plan Commission" for the Town of West Point, Columbia County, Wisconsin.

7. Subsection 3.38(D) of the Town of West Point Code of Ordinances is hereby amended at the indicated sections to provide:

(D) Public Hearings for Land Divisions and Related Matters. The Plan Commission shall schedule and conduct a public hearing for any land division or any other issue requiring a hearing under provisions of Chapter 6 of the Town of West Point Code of Ordinances.

This Ordinance shall become effective upon the posting and publication, as required by law.

Adopted this 13 day of October, 2022.

By: 
Ashley Nedeau-Owen, Town
Chair

Attest: 
Taffy Buchanan, Town Clerk

Posted on: October 27, 2022

Published on: October 27, 2022

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ORDINANCE NO.: 10-13-22B

**AN ORDINANCE AMENDING SECTIONS 6.04, 6.12, AND 6.20 OF
CHAPTER 6 OF THE TOWN OF WEST POINT CODE OF ORDINANCES**

WHEREAS the Town of West Point's Plan Commission has reviewed and recommended to the Town Board that Sections 6.04, 6.12 and 6.20(A)(1) of the Town's Code of Ordinances be amended; and

WHEREAS, the Town Board held a public hearing on the proposed Amendments to Chapter 6; and

WHEREAS, after taking into consideration the recommendation of the Plan Commission and the input of the public, the Town Board desires to adopt the amendments to Chapter 6 recommended by the Plan Commission.

NOW, THEREFORE, the Town Board of the Town of West Point does hereby Ordain as follows:

1. Subsection 6.04(A)(2)(d) of the Town of West Point Code of Ordinances is hereby amended to provide:

d. Condominiums. The maximum number of Development Rights available and permitted in connection with a Condominium for which a Dwelling Unit may be constructed is identical in number as the determination under Section 6.04 (B) of this Section.

2. Subsections 6.12(B)-(D) of the Town of West Point Code of Ordinances is hereby amended to provide:

(B) Submission and Review.

(1) A Land Divider seeking Town approval of a Minor Land Division shall submit a completed Town application form, 15 copies of the required supporting information, and 15 copies of the proposed Minor Land Division CSM to the Town Clerk. At a minimum, the following supporting information is required:

- a. Required fees and a pre-development agreement covering reimbursement of costs for Town engineering and legal review (s. 6.03(1)).
- b. Existing and proposed zoning (s.6.14(B)(6)).
- c. Copies of official documents for existing easements, rights-of-way, and covenants, conditions, and restrictions.
- d. Development analysis identifying the number of development rights available (s. 6.04 and s. 6.08(B)(2)).
- e. Any proposed new or revision to restrictive covenants, conditions, and restrictions for the proposed CSM. (s.

6.14(E)(1)).

f. Site plan showing general location, existing buildings, boundary lines, topography, acreage, building setback lines, and proposed building envelopes. (s. 6.06(A), ss. 6.09(3) and (4), ands. 6.14(E)(2)).

g. Evidence of ownership in accordance with the requirements of s. 6.08(B)(6) ands. 6.14(E)(3).

h. Documentation describing and supporting any modifications and waivers being requested as part of the proposed CSM (s. 6.08(8)(8) and 6.09(8)(5)).

i. The Plan Commission, at its sole discretion, may require any of the information required by Sections 6.08 and 6.09 of this Chapter (s. 6.14(E)(4)).

(2) The CSM, supporting documents, and any requested Modifications or Waivers shall be reviewed and approved, conditionally approved, or rejected by the Town Board after receiving a recommendation by the Plan Commission.

(3) Prior to making its final recommendations to the Town Board, the Plan Commission shall instruct the Town Clerk to schedule a public hearing on the CSM. The Town Clerk shall give notice of the Plan Commission's review and public hearing on the CSM by listing it as an agenda item in the Plan Commission's meeting notice. The notice shall include the name of the applicant, the address of the property in question and the requested action. Adjacent property owners shall receive written notice of the public hearing, a short description of the CSM, and instructions on where to acquire additional details regarding the proposal.

(C) Driveways. A CSM shall not be finally approved unless a driveway access permit has ~~6.39~~ been issued to or will be issued to the Land Divider for each Lot or Parcel without an existing private access pursuant to Chapter 12, Roads and Driveways, of the Town's Code of Ordinances. The Land Divider shall submit a copy of the permit or permits necessary for each Driveway, or a letter from the Town Engineer which confirms that permits are issuable for each Lot or Parcel at such time as the CSM is submitted for final approval. Unless a shared private access and Driveway are permitted, the Driveway serving each Lot or Parcel must be constructed in such a manner as to begin at the Lot or Parcel's required public road frontage, and shall at all times remain within the mapped boundaries of the Lot or Parcel.


(D) Board Action. As required by Wis. Stat. § 236.34(lm)(f), the Town Board shall approve, approve conditionally, or reject the CSM after following the applicable procedures of Section 6.09.

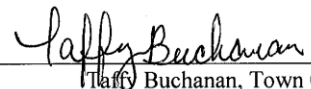
3. Subsection 6.20(A)(1) of the Town of West Point Code of Ordinances is hereby amended to provide:

Where, in the judgment of the Town Board, after considering the recommendation of the Plan Commission, it would be inappropriate to strictly apply the provisions of this Chapter because an exceptional circumstance exists, the Town Board may waive or modify any requirements to the extent deemed just and proper.

This Ordinance shall become effective upon the posting and publication, as required by law.

Adopted this 13 of October, 2022.

By: 
Ashley Nedeau-Owen, Town Chair

Attest: 
Taffy Buchanan, Town Clerk

Posted: October 27, 2022

Published: October 27, 2022

ORDINANCE NO. 10-13-22C

**AN ORDINANCE AMENDING SECTIONS 8.04, 8.05, 8.07, 8.11 AND 8.12 OF
CHAPTER 8 OF THE TOWN OF WEST POINT CODE OF ORDINANCES**

WHEREAS the Town of West Point's Plan Commission has reviewed and recommended to the Town Board that Sections 8.04, 8.05, 8.07, 8.11 and 8.12 of the Town's Code of Ordinances be amended; and

WHEREAS, after taking into consideration the recommendation of the Plan Commission, the Town Board desires to adopt the amendments to Chapter 8 recommended by the Plan Commission.

NOW, THEREFORE, the Town Board of the Town of West Point does hereby Ordain as follows:

1. Section 8.04 of the Town's Code of Ordinances shall be amended to read:

Chapters SPS 320 through 325 and SPS 361 through 366, Wisconsin Administrative Code, the State Uniform Dwelling Code ("UDC"), and all amendments thereto, are adopted and incorporated in this ordinance by reference. Any future amendments and revisions to the UDC are also made a part of this ordinance in the interest of statewide uniformity. A copy of the UDC shall be kept on file in the Town Hall and office of the Building Inspector.

2. Section 8.05 of the Town's Code of Ordinances shall be amended to read:

(A) Portions of State Building Code Adopted. Chapters SPS 320-325 and SPS 361- 366, Wis. Adm. Code are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of the Code incorporated herein are intended to be made a part of this Chapter.

(B) State Plumbing Code Adopted. The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chapters. SPS 381-387 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town of West Point. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.

(C) State Electrical Code Adopted. The State Electrical Code, Chapter SPS 316, of the Wisconsin Administrative Code is hereby adopted by reference and made a part of this Section and shall apply to all buildings. Any future

amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter.

3. Section 8.07 of the Town's Code of Ordinances shall be amended to read:

There is hereby created the position of Building Inspector, who shall have the responsibility to administer and enforce this Chapter.

(A) Appointment. The Building Inspector shall be appointed by the Town Board and may be a firm or individual. The Building Inspector shall not be a Town employee. The Building Inspector shall serve at the pleasure of the town Board for an indefinite term.

(B) Qualifications. The Building Inspector shall be certified as stated in Wis. Adm. Code, Section SPS 320.10 for categories under which the Building Inspector shall conduct inspections. The Building Inspector shall not be interested, directly or indirectly, in the construction of buildings, in the preparation of plans and specifications or any permanent building equipment thereof in the Town.

(C) General Powers and Duties. The Building Inspector shall administer and enforce all provisions of this Chapter. The Building Inspector shall assist, when necessary or requested, the Town Engineer in the enforcement of Chapters 6 and 7. The Building Inspector shall at all reasonable times enter upon any public or private premises for inspection purposes or to prevent violation of this Chapter or other provisions of the Code of Ordinances. No person shall interfere with the Building Inspector while in the performance of the duties described herein. Application for and acceptance of a building permit shall constitute consent to such entry.

(D) Records. The Town shall keep a record of all permit applications, inspections made, and accompanying documentation. . Record shall reside at the Town Hall within 30 days after a final inspection. The permits shall be marked in order and shall coordinate with the seal numbers purchased from the State. A record shall also be kept in the Town Hall by the Building Inspector of all condemnations and removals of buildings. The Building Inspector shall make an annual report to the Town Board.

4. Section 8.11 of the Town's Code of Ordinances shall be amended to read:

When the Building Inspector cites violations of this Chapter or other ordinances, the violations shall be promptly corrected. All written violations, except

with respect to erosion control, shall be corrected within 30 days unless an extension of time is granted pursuant to Section SPS 320.21, Wisconsin Administrative Code. Any erosion control violation must be corrected within seventy-two (72) hours.

(A) Stop Order. The Building Inspector may issue a stop construction order for the following reasons:

- (1) If written violations are not corrected after 30 days;
- (2) Construction significantly structurally deviates from the approved plans;
or,
- (3) When construction is deemed dangerous or unsafe.

A stop order "red-tag" shall be posted at the construction site, and the owner shall be notified in writing. The stopped construction may resume when unsafe conditions and violations are corrected and the Building Inspector authorizes the re-start.

(B) Penalties. Any person in violation of this ordinance or the UDC shall, upon conviction, be subject to a forfeiture of not less than \$25 or more than \$500 for each violation and shall also pay the costs and expenses incurred in the case. Each day that such violation continues will constitute a separate and distinct offense. In addition, the Town may recover any costs incurred by its Building Inspector or Town Engineer in aiding in the enforcement or prosecution under this Chapter. Collection of forfeitures shall conform to Chapter 778 of the Wisconsin Statutes.

(C) Discretion. The options set forth in 8.1 l(A) and 8.1 l(B) above are alternative procedures. The Town may elect to proceed on any violation under (A), (B) or both, or may assess the penalty set forth in Section 8.08 of this Chapter as the case may be.

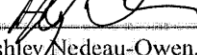
(D) Deposit. In the event of violation of this Chapter, if enforcement by forfeiture is sought, a cash deposit for inclusion in the citation is established as follows: 1st offense \$100.00; 2nd offense (and each subsequent day of offense) \$200.00.

5. Section 8.12 of the Town's Code of Ordinances shall be amended to read:

Any person feeling aggrieved by an order of the Building Inspector may, within 20 days thereafter, appeal from such order to the Town Board. The Town Board will follow procedures under Chapter 68, Wis. Stats., to arrive at a final determination. Final determinations may be reviewed pursuant to Section SPS 320.21, Wisconsin Administrative Code.

This Ordinance shall become effective upon the posting and publication, as required by law.

Adopted this 13 day of October, 2022

By: 
Ashley Nedeau-Owen, Town Chair

Attest: 
Taffy Buchanan, Town Clerk

Posted: October 27, 2022

Published: October 27, 2022

ORDINANCE NO. 10-13-22D

**AN ORDINANCE TO ADOPT RESTATED CHAPTER 12
OF THE TOWN OF WEST POINT CODE OF
ORDINANCES**

WHEREAS, the Town of West Point's Plan Commission has reviewed and recommended to the Town Board that Chapter 12 of the Town's Code of Ordinances be amended and restated in its entirety; and

WHEREAS, the Town Board held a public hearing on the proposed restatement of Chapter 12; and

WHEREAS, after taking into consideration the recommendation of the Plan Commission and the input of the public, the Town Board desires to adopt the restatement of Chapter 12 as recommended by the Plan Commission;

NOW, THEREFORE, the Town Board of the Town of West Point hereby repeals its previous Chapter 12 and adopts, in place of its previous Chapter 12-Land Division, the restated Chapter 12-Driveways and Town Roads, set forth below:

CHAPTER 12 – DRIVEWAYS AND TOWN ROADS

SECTION 12.01 AUTHORITY

The Town Board of the Town has the authority to enact the provisions of this Chapter pursuant to Sec. 82.03(1), Wis. Stats., Chapter Trans. 231 of the Wisconsin Administrative Code, and by the Town's adoption of Village powers under Sec. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats.

SECTION 12.02 PURPOSE

The purpose of this Chapter is to regulate the access of driveways to public roads as well as the siting, construction and maintenance of Driveways and Shared Driveways. This chapter is also intended to regulate parking on Town Roads and the naming of Town Roads. This chapter is adopted to promote the public health, safety, and general welfare of the community, provide adequate access for emergency vehicles, preserve agricultural land, protect environmentally sensitive areas, and enforce the goals and policies set forth in the Town's Comprehensive Plan.

SECTION 12.03. JURISDICTION.

This Chapter applies to all Driveways and Shared Driveways on Parcels that are located within the Town, including those Driveways which access State Trunk and County Trunk Highways which are under the jurisdiction of the State and County respectively. Existing Shared Driveways and Private Roads constructed prior to August 4, 1988, are only subject to

certain provisions of this Chapter 12 as provided herein. The Driveway Siting and Construction Permit provisions of this chapter do not apply to Field Roads unless the provisions of Section 12.05(F)

apply. Any existing Driveway or Shared Driveway shall require a Driveway Permit upon a significant change of use or if the Driveway or Shared Driveway is significantly altered as determined by the Administrator.

SECTION 12.04 DEFINITIONS

(A) The following definitions are applicable to this chapter:

- (1) Access. Permission for a Driveway Connection within a public road property or right-of-way allowing access for motorized vehicles, except for State of Wisconsin funded snowmobile trails.
- (2) Administrator. The Town Engineer, or other designee of the Town Board.
- (3) ADT. Average Daily Traffic generated on a given road or highway.
- (4) Alter. Any change done to a Connection, Driveway, Shared Driveway, or Private Road beyond routine maintenance. This includes a change of use.
- (5) Applicant. Any Person, firm, corporation, or organization requesting a permit that has a freehold interest, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a permit is sought.
- (6) Change of Use. Any modification to a Parcel that results in a change in the number and/or types of vehicles using a Parcel's Connection, Driveway, Shared Driveway, or Private Road.
- (7) Columbia County or County. The County located in the State of Wisconsin within which the Town is located.
- (8) Connection. The portion of a Driveway, Shared Driveway, or Private Road, or recreational trail that is within a public road property or right of way and connects the driveway to the road access point.
- (9) Driveway. A private Driveway, Shared Driveway, Private Road, Field Road or other avenue of travel that runs through any part of a private lot or parcel of land, or that connects with or will connect with any public road or highway.
- (10) Driveway Permit. A permit from the Town issued under this chapter which may include a Driveway Connection permit, a Driveway Siting and Construction permit or both.
- (11) Driveway Connection Permit. A Driveway Permit allowing construction of the Connection portion of a driveway from the approved Access location on a public road to the remainder of the driveway.
- (12) Driveway Siting and Construction Permit. A permit from the Town authorizing the construction of a Driveway or Shared Driveway under Section 12.10.
- (13) Field Road. A gravel or dirt driveway used only for access to crop land or pasture land.

- (14) Land Divider. Any person, firm, corporation, limited liability company or other legal entity, who is Owner, or any agent thereof, dividing or proposing to divide land under this Chapter.
 - (15) Lot. A Parcel of land, other than a Large Agricultural and Open Space Parcel, intended for residential, commercial, or industrial uses having frontage on a public street or other officially approved means of access, occupied, or intended to be occupied by a building
or use, and sufficient in size to meet the Lot or Parcel Width, Lot frontage, Lot Area, yard, parking area and other Open Space provisions of the Town's Ordinances and the County Code.
 - (16) Modification. A one-time site-specific alternation of the normal requirements of this Chapter approved by the Town Board because of exceptional circumstances following the criteria and procedures provided in Section 12.24.
 - (17) Outlot. A Parcel of land so designated on a Final Plat or certified survey map approved by the Town.
 - (18) Owner. A natural person, firm, association, limited liability company, partnership, private corporation, public or quasi- public corporation, trust, or any combination thereof, owning land.
 - (19) Parcel. The area of land within the property lines of any Lot, Outlot, or other identifiable tract of land regardless of size.
 - (20) Person. Includes any individual, firm, association, joint stock association, organization, partnership, limited, trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.
 - (21) Private Road. Any road, street, alley, avenue, parkway, lane, drive, boulevard, circle, bypass, or other pathways intended for the private use of motorized/non-motorized vehicles to obtain Access to more than four Parcels.
 - (22) Public Road. Any road, street, or alley under the jurisdiction of and maintained by a public authority and open to public travel by motorized vehicles including a Town Road, county road, state highway or federal highway.
 - (23) Shared Driveway. A private Driveway serving no more than four Parcels.
 - (24) Town. The Town of West Point, Columbia County, Wisconsin.
 - (25) Town Board. The Town of West Point Board of Supervisors.
 - (26) Town Clerk. The Clerk of the Town of West Point.
 - (27) Town Road. A Public Road or a segment thereof that is located within, is under the jurisdiction of, and is maintained by by the Town of West Point
 - (28) Waiver. A one-time site-specific exception from the normal requirements of this Chapter approved by the Town Board because of exceptional circumstances following the criteria and procedures provided under this Chapter.
- (B) Words used in the present tense include the future tense. The singular tense includes the plural, and the plural tense includes the singular. The word "shall" is mandatory and the word "may" is permissive.

SECTION 12.05 DRIVEWAY PERMITS - APPLICATION REQUIREMENTS AND PROCEDURES

- (A) Who Shall Apply. No Person who owns a Parcel shall site or construct or significantly alter a driveway without first obtaining a Driveway Permit from the Town.
- (B) Application Forms. The Town Board shall approve a form of application to apply for a Driveway Permit. The form shall be available from the Town Clerk or Administrator. A Driveway Permit shall consist of a Driveway Connection Permit, a Driveway Siting Permit, Construction Permit, and Temporary Driveway Permit.
- (C) Application. The Parcel Owner shall submit a completed Driveway Permit application together with the appropriate fee and a site plan, The following attachments may be required as determined by the Administrator.
- (1) Plat map.
 - (2) Aerial photo/site analysis.
 - (3) Soil/slope analysis.
 - (4) Erosion Control Plan meeting the requirements of the Town's Ordinance.
 - (5) Driveway Construction Plan or engineer's plan (if required by the Town Board or the Administrator.
 - (6) Other documents as deemed necessary by the Administrator.
- (D) Application Review. The permit application shall be reviewed and evaluated pursuant to the provisions of this Chapter and any other considerations deemed relevant by the Town Board or the Administrator.
- (E) Agricultural Land Impacts. The Administrator may require a change in the proposed design or location of a Driveway or Shared Driveway to minimize negative impacts to Agricultural Land. The Administrator's decision may be appealed in accordance with the procedures in s. 12.19.
- (F) Field Road Conversion. Before any exempt Field Road may be used for residential or commercial purposes, a Driveway Siting Permit application must be filed, and a Driveway Siting Permit issued under this Chapter.
- (G) Temporary Driveway Permit. Where necessary and where public safety will not be compromised, the owner of a parcel may apply for and the Administrator may grant a permit for a temporary driveway. The conditions of the temporary driveway permit shall be stated and at the sole discretion of the Administrator, certain provisions of this chapter may be waived for the duration of the temporary driveway permit. The duration of the temporary driveway permit shall be identified but shall not exceed one year. Prior to the expiration of the temporary driveway permit, the temporary connection and driveway

shall either be entirely removed, or it shall be converted to a permanent driveway and connection as approved by a driveway permit.

- (H) Permit Application Denial. If an application for a Driveway Permit is denied by the Town, an applicant may not reapply for another Driveway Permit for the same site unless the Town Board or the Administrator is of the opinion that the design or circumstances for proposed driveway for the Parcel are substantially different than the prior application.
- (I) Permit Period. Unless the Driveway or Shared Driveway is constructed within twelve (12) months from the date of issuance, the Driveway Siting Permit shall expire. The Administrator, prior to its expiration, may extend approval of the Driveway Siting Permit, under extenuating circumstances that reasonably delay the driveway construction.
- (J) Occupancy Permits. No Occupancy Permit shall be issued for new construction on a Parcel until the Access is complete and the Driveway or Shared Driveway is sited and constructed in accordance with the Driveway Permit issued under this Chapter to the satisfaction of the Administrator.
- (K) Permit Exemptions:
 - (1) A Driveway Connection Permit under this chapter is not required for a snowmobile trail access to a Town Road.
 - (2) A Driveway Connection Permit is required for a new Field Road; however, a Driveway Siting and Construction Permit is not required.

SECTION 12.06 COSTS OF PERMIT APPLICATION REVIEW

The amount of a Driveway Permit application fee shall be established and may be modified by Town Board resolution. An additional application fee may be established for complex driveways. In addition, all reasonable costs for engineering, legal or other administrative or consulting services incurred by the Town in the course of reviewing and evaluating the driveway permit application shall be paid by the Applicant applying for the Driveway Permit, to the extent not covered by the application fee. The Applicant shall reimburse the Town for the costs within fifteen days of billing. In the event the Applicant fails to pay, in addition to any other remedies to which the Town may be entitled to pursue, including forfeiture, the delinquent costs and expenses may be collected by the Town by imposing a special charge, pursuant to Sec. 66.0627, Wis. Stats., upon the next tax roll against the Parcel(s) to be served by the Driveway or Shared Driveway. By submitting an application each Applicant and Person who owns a Parcel acknowledges the Town's right to impose the special charge.

SECTION 12.07 DRIVEWAY CONNECTION TO TOWN ROADS

- (A) Existing Connection. Any Driveway Connection to a Town Road constructed in accordance with the Town ordinances then in effect, shall be allowed to continue, provided that any construction, alteration, or change of use of the Driveway Connection starting after the adoption of this Chapter, shall comply with the terms of this chapter, unless a waiver or variance is granted.
- (B) Access To Highway. Entrance upon or departure from a Town Road shall be prohibited except at locations specifically approved under this chapter. No Driveway shall be opened into or connected with any Town Road or converted from one use of Access to another use of Access and no culvert shall be installed within Town right-of-way without a Driveway Permit.
- (C) Subdivision Of Land. Before any Parcel is allowed to be subdivided, it must be proven that Access can be provided to each proposed lot or other resulting division of land in such a way that it will not violate any of the regulations of this Chapter 12.
- (D) Connection Spacing and Frequency
 - (1) Where a Person owns adjacent Parcels (of the same land use) with frontage, all Parcels shall be treated as a single Parcel for the purposes of this Chapter. If there are multiple residences on the adjacent parcels, the Administrator has the discretion to allow up to one access connection for each residence if the Administrator determines that there is a need for multiple access connections and that a safety hazard would not be created.
 - (2) Each residence shall have only one Connection to a Public Road.
 - (3) Commercial and industrial zoned Parcels may be allowed two points of Access provided they each separately meet the remaining criteria of this Chapter and require more than 50 parking spaces.
 - (4) Multiple Access points for agricultural purposes may be granted, if reasonably necessary, on a case-by-case basis.
 - (5) Whenever possible, Access should be granted onto the most minor road adjacent to the Parcel when there is a choice between roads.
- (E) Design Standards for Access and Driveway Connections.
 - (1) Any Driveway Connection within the Town Road right-of-way must comply with the following design standards:
 - a. Be so located as to not create a safety hazard for vehicles traveling on the Town Road or exiting and entering the Parcel. The Administrator, using accepted engineering standards, shall determine the permitted location for any Access and

Driveway with consideration given to the Town Road's classification, topography, and posted travel speed.

- b. To the extent possible, no Connection or Driveway shall be located within or traverse any area that is part of a "vision clearance triangle" that is created by a hypotenuse line connecting points 150 feet from the center of a Town Road intersection, nor shall Driveway be located closer than 15 feet outside of the extended pavement edge line at a "T" intersection.
- c. A Connection and Driveway may be constructed of any hard, clean, durable material such as concrete, crushed stone, bituminous or paving stone placed so that the surface of the Access and Driveway meets the existing edge of pavement. An Access and Driveway shall not extend into the roadway surface so as to cause an obstruction to the maintenance or snow removal on the roadway. Concrete may be prohibited as a Connection and Driveway paving material when, in the opinion of the Administrator, the use of concrete may cause damage or injury or create the threat of danger or injury, to road equipment or for other safety reasons.
- d. Any Connection and Driveway to a Town Road without curb and gutter must be provided with a culvert. Culverts must be a minimum of 15 inches or equivalent in diameter or as large as needed for adequate drainage and be constructed of corrugated metal or concrete, with endwalls. Plastic pipe and/or plastic endwalls shall not be allowed. The Administrator may determine in special circumstances that a culvert may not be required.
- e. Culverts shall be placed in the ditch line at elevations as set by the Administrator so as to adequately convey water and assure proper drainage.
- f. Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Administrator. The minimum cover, measured from the top of the pipe to the top of the subgrade material shall be six inches.
- g. Drainage shall be directed from Access and Driveway to ditch or culvert on same side of Town Road.
- h. Slopes to the side of the Access and Driveway shall not be steeper than 4 to 1 (25 percent desirable) or that of the embankment of the existing Town Road whichever is less.
- i. Access and Driveway entrances shall be sloped away from the edge of the Town Road pavement at a minimum slope of two percent across the shoulder and one percent from the shoulder point to the low point. The low point of the Connection and Driveway shall be located at the center of any required ditch over the Access and Driveway culvert. If no ditch exists, the Connection and Driveway low point

shall be placed at the center of the future ditch as determined by the Administrator. If the Connection and Driveway slope down from the roadway, a swale shall be created over the center of any existing or future ditch.

- j. Unless approved in writing by the Administrator, in its sole discretion, at the time a Driveway Connection Permit is obtained, retaining walls, stone walls, etc. shall not be allowed in connection with the construction or maintenance of any Access or Driveway within the Town right-of-way.
- k. Any proposed amendment of Access, whether new, resurface, or replacement, and any new or replacement culvert shall require a permit.
- l. Crowning or cross-sloping of Access and Driveway shall be provided with a minimum pitch of 2 percent toward the side of the Driveway.
- m. Where curb and gutter exist, they shall be removed at the Access and new gutter shall be provided within the Town Road right-of-way as required by the Administrator.
- n. The angle of an Access and Driveway shall be as close to 90 degrees with the centerline of the Town Road as possible, but not less than 75 degrees. The slope of the Access and Driveway surface between the right-of-way and the edge of pavement shall not exceed 8%.
- o. Facing Access and Driveway on opposite sides of a Town Road shall be located directly opposite each other whenever possible.
- p. Type "A" access: (see Appendix 12.05-A) Access and Driveway standards for up to two agricultural or residential Parcels including an Access or Driveway width of 20 to 24 feet and a return radius of 20 feet.
- q. Type "B" access: (see Appendix 12.05-A) Access and Driveway standards for 3- 20 residential units and commercial or industrial Parcels with up to 25,000 square feet.
- r. Type "C" access: (see Appendix 12.05-A) Access and Driveway standards for over 20 residential units and commercial or industrial Parcels over 25,000 square feet.
- s. A bypass lane shall be required where the ADT of the Town Road that the Access and Driveway enters onto is 2500 or more for type B Access, and 1000 or more for type C Access.
- t. Existing Town Road property including road surfaces, curbs, shoulders, slopes, ditches, and vegetation shall be restored to its original condition as determined by the Administrator.

- u. Vision corners shall be free of all obstructions at each access point in accordance with the Vision Corner diagram, Appendix 12.05-B. Access and Driveway vision corners are to be measured from a point 3.5 feet above the center of the proposed Access and Driveway, 15 feet back from the edge of pavement of the Town Road, to two points 4.5 feet above the center of the nearest on-coming lane of the Town Road in each direction, at a distance of "D" from the point where the Town Road meets the center of the proposed Access and Driveway. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used.
- (2) Additional information and the requirements relating to applicable standards for all new or altered Access and Driveway are illustrated on the Access and Driveway Standard incorporated herein. See Appendix 12.05-C.

SECTION 12.08 DRIVEWAY SITING AND CONSTRUCTION SPECIFICATIONS

- (A) Design and construction of commercial driveways is not governed by this section, but commercial driveways shall instead be individually designed for the specific uses and traffic volumes involved in each application. The design for a commercial driveway shall be approved by the Town Board or Administrator before any construction commences.
- (B) Slope. No portion of a Parcel with a slope of more than 20% shall be disturbed for the establishment, construction, improvement, modification, or reworking of a Driveway or Shared Driveway. No Driveway or Shared Driveway shall have a finished slope greater than 20%.
- (C) Width, Rise, and Ditch Distance
 - (1) A single use Driveway shall be constructed and maintained with a minimum of a finished surface of 10 feet in width, with a minimum of 4 feet side slope on each side with a maximum slope of 1 foot of vertical rise for each 4 feet of horizontal distance. (Such a rise equals 25% slope.) There shall be a minimum of 18 feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side. The center of each ditch must be at least 9 feet from the centerline of the 10-foot road.
 - (2) Shared Driveways shall have a minimum surface width of 18 feet with a minimum of 4 feet of side slope on each side. There shall be a minimum of 26 feet from center of ditch to center of ditch.
- (D) Access. The Access for each Driveway or Shared Driveway shall be located, designed and constructed in accordance with this Chapter.
- (E) Drainage. Ditches along the right-of-way, roadway crowning, and culverts shall be

provided by the Person who owns the Parcel for acceptable drainage. The Driveway or Shared Driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons. The Administrator may direct the Person who owns the Parcel to construct a drainage ditch on one or both sides of the Driveway or Shared Driveway directing runoff to the roadway ditch or a drainage way on the Parcel.

- (F) Roof and Storm Drains. No roof drain or other storm drain may discharge directly onto a Driveway or Shared Driveway sloping toward the Town right-of-way.
- (G) Back Slopes. Ditch back slopes shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance. (Such a rise equals 33% slope.) Excluded from this grading requirement are Driveways or Shared Driveways for which retaining walls and/or other erosion control measures are installed as specified in an engineer's plan approved by the Town Board or the Administrator.
- (H) Radius of Curves. Curves in the Driveway or Shared Driveway shall be sufficient to safely accommodate emergency vehicles, with an inside radius of no less than 36 feet.
- (I) Erosion Control. Once the construction of the Driveway or Shared Driveway has begun, all specified erosion controls – including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding – shall begin immediately. For winter construction, erosion control alternatives must be implemented until specified controls are available.
- (J) Substrate. The Driveway or Shared Driveway turn around area must have at least 4 inches of 2-inch rock on the roadbed, covered with 2 inches of ¾-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 2-inch rock may be modified or waived by the Town Board or the Administrator.
- (K) Clearance. An area of at least 20 feet in width and 14 feet in height shall be cleared and continually maintained along the entire length of the Driveway or Shared Driveway in order to permit the safe passage of emergency and other vehicles to the structures served by the Driveway or Shared Driveway.
- (L) Turnaround. Except at locations where the speed limit is 25 mph or lower, turnarounds shall be provided so that vehicles do not need to back out onto a Town Road. Each Driveway or Shared Driveway and/or each branch of a Shared Driveway must have a turnaround area adequate to permit turnaround of emergency vehicles.
- (M) Costs. All costs of construction of said Driveway or Shared Driveway, including the cost of the culverts and Engineer's Plan, if required, shall be paid by the Person who owns the Parcel(s) to be served by the Driveway or Shared Driveway.

SECTION 12.09 ENGINEERING PLAN COMPONENTS

- (A) Components. If required by the Town Board or the Administrator, a plan prepared by a professional engineer registered in the State of Wisconsin shall include drawings, drawn

to scale, showing the following:

- (B) Plan. A plan view showing the precise location of the Driveway or Shared Driveway, or the segment of the Driveway or Shared Driveway that requires an engineer's plan in relation to property lines, structures, and significant topographic features. Minimum scale: 1" = 40'.
- (C) Profile. The profile of the Driveway or Shared Driveway showing no segment exceeding 20%. Also show ditch profiles and culvert slopes.
- (D) Retaining walls. The location and structure of any retaining walls. Include design calculations for walls over 3' high.
- (E) Culverts. The location and size of any culverts. Include hydraulic/hydrologic design calculation.
- (F) Topographic map. Contour map of the contributing watershed enhanced to show drainage patterns in the vicinity of the new Driveway or Shared Driveway.
- (G) Cross-section. A cross-section of the proposed Driveway or Shared Driveway.
- (H) Erosion control. The required mulching, matting, silt fence or other erosion control measures in conformance with the WI Construction Site Best Management Practice Handbook.
- (I) Certification. The plan will include the engineer's name, address, and signature; and a statement from the engineer that he has fully complied with all the provisions of Section 12.08.
- (J) Approval
 - (1) Conditions. No construction of a Driveway or Shared Driveway may commence until the Plan is approved by the Town Board or the Administrator, until a Driveway Siting and Construction Permit is issued by the Town and, when applicable, any necessary approvals are obtained from Columbia County or the State of Wisconsin (*see* Sec. 86.07, Wis. Stats.). The preparation of an engineer's plan does not guarantee the Town's approval of the Driveway Siting and Construction Permit application.
 - (2) Inspection. After the Driveway or Shared Driveway has been completed, the Administrator shall inspect the Driveway or Shared Driveway to determine whether it was constructed according to the Plan and is otherwise consistent with the requirements of this Chapter.

SECTION 12.10 SHARED DRIVEWAYS

(A) Shared Driveway Conditions. Shared Driveways may be permitted by the Town Board under the following conditions:

- (1) A Shared Driveway agreement between property owners designating usage rights and responsibilities for construction, maintenance and repair must be drafted in a form satisfactory to the Town Attorney, approved by the Town Board, and recorded against each Parcel utilizing the Shared Driveway. The agreement must, among other things, acknowledge that without the consent of the Town, the Shared Driveway will never be improved to Town road standards, or otherwise opened as a public road, that the parties to the agreement acknowledge the Town's absolute right to deny any petition to require the Town to improve the Shared Driveway to Town road standards and, additionally, acknowledge that the Town shall not have any obligation to ever maintain or repair the Shared Driveway in any manner whatsoever.
- (2) A Shared Driveway shall have only one access to a public road or no more than 2 accesses separated by a minimum of 300 feet in rural areas and 150 feet in semi urban areas. A Shared Driveway shall not exceed 1,000 feet in length. The Shared Driveway is otherwise located, designed, and constructed in accordance with the provisions of this Chapter.
- (3) The Person who owns the Parcels requesting a Shared Driveway can demonstrate (to the satisfaction of the Town Board) that construction of a Shared Driveway to serve multiple residences will minimize potential environmental degradation, enhance safety, and/or maximize the preservation of Agricultural Land as compared with multiple driveways.

(B) Engineer's Plan. If, in the opinion of the Town Board, or the Administrator, conditions at the proposed Shared Driveway are such that a Shared Driveway meeting the standards of this Chapter or any other provisions of the Town's Code of Ordinances would be difficult or impossible to meet, the Town may require submittal of an engineering plan by a registered professional engineer at the sole cost of the applicant, as with all required components specified by Section 12.09.

SECTION 12.11 PRIVATE ROADS.

- (A) New Private Roads. New private roads in the Town are prohibited except as part of a condominium development as regulated by Chapter 6, Land Division.
- (B) Existing Private Roads. An existing Private Road is subject to the provisions of Section 12.12.

SECTION 12.12 MAINTENANCE AND REPAIR OF DRIVEWAYS, SHARED DRIVEWAYS AND PRIVATE ROADS

- (A) Maintenance and Repair of Permitted Driveway. Every Driveway or Shared Driveway for which an Access Permit and a Driveway Siting Permit has been issued shall at all

times be maintained and repaired in accordance with all of the applicable provisions of this Chapter.

- (B) Maintenance and Repair of Existing Driveways, Shared Driveways and Private Roads. In the interest of the public safety and welfare, including to better ensure emergency vehicle access, each Person who owns a Parcel accessed by a Driveway, Shared Driveway, or Private Road shall be required to comply with the provisions of Section 12.08 which, in the opinion and sole discretion of the Town Board or the Administrator, are reasonably necessary to foster the public safety and welfare objectives of this Section 12.12.
- (C) Inadequate Maintenance and Repair. In the event that the Town receives a written complaint, or the Town Board or the Administrator determines, in its sole and reasonable discretion, that a Driveway, Shared Driveway or Private Road required to be maintained or repaired under Section 12.12 is being inadequately maintained, repaired, or that other conditions exist resulting in a Driveway, Shared Driveway or Private Road that does not meet the requirements of this Chapter 12, as applicable, the Town Board or the Administrator shall notify the Person who owns the Parcel(s) in writing of the offending condition(s). Any Person who owns a Parcel failing to correct any condition(s) within thirty (30) days after written notice by the Town Board or Administrator shall be subject to one or more of the remedies provided for in Section 12.18.

SECTION 12.13 NO PARKING ZONES ON TOWN ROADS

- (A) No person shall stop or leave standing any vehicle at any time on either side of all Town roads between the hours of 9:00 p.m. and 5:00 a.m., central standard time, except as provided by Section 346.50, Wis. Stats.
- (B) Any amendment or change of Town Road right-of-way, is prohibited unless expressly approved by Town permit.
- (C) In addition to the provisions of par. (A), the Town Board may establish no parking zones the hours for enforcement of no parking. The Town Chair or a designee is hereby authorized to procure, erect, and maintain appropriate standard traffic signs and markings conforming to the rules of the state highway laws giving such notice of no parking zones as required by law.
- (D) Any person violating this Section may be required to forfeit not less than \$20.00 nor more than \$40.00 for the first offense and not less than \$50.00 nor more than \$100.00 for the second and subsequent convictions within a year, together with the costs of prosecution, penalty assessments, and other charges as provided by Wisconsin Statutes.
- (E) In the event of a violation of this Section, the cash deposits for purposes of Section 4.03 of the Town Code of Ordinances are established as follows: 1st offense \$30.00; 2nd offense (and each subsequent day of offense) \$75.00.

SECTION 12.14 TOWN ROAD NAMES

In accordance with Sec. 82.03(7), Wis. Stats., which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the appendix to this chapter are hereby assigned. (*see* Appendix 12.41-A).

SECTION 12.15 CUTTING TREES ON TOWN ROAD RIGHTS OF WAY

No person may cut trees on a Town road property or a Town road right of way without the permission of the Town. The Town Board may establish guidance and procedures for tree cutting, trimming and maintenance on Town roads.

SECTION 12.16 ADMINISTRATION AND ENFORCEMENT

- (A) Administration. Applications for permits shall be made to the Administrator who shall review the proposed development or construction and shall either grant, deny, or require additional information on the proposed Access and Driveway based upon the provisions, standards, and requirements of this Chapter, within ten (10) working days.
- (B) Interpretation. The Town retains all restrictions on the use of land within the Town right-of-way except where such use is specifically allowed by permit, approval or Town Ordinance. Whenever it is questionable as to whether or not an object, or a part of an object, is within the jurisdiction of this Chapter 12, the entire object shall be considered to be presumed to be subject to the provisions of this Chapter.
- (C) Hazard Marking and Lighting. Any Access and Driveway location shall during construction within the right-of-way be provided with adequate hazard marking and lighting to prevent possible accidents. The hazard marking and lighting shall be provided by the Person who owns the Parcel.

SECTION 12.17 MODIFICATION OR WAIVER OF ORDINANCE PROVISIONS

- (A) Modifications or Waiver. Where, in the judgment of the Town Board, after considering the recommendation of the Plan Commission, the Town Board determines that it would be inappropriate to strictly apply the provisions of Section 12.08 because an exceptional circumstance exists, or it is demonstrated that the provision is unnecessary, the Town Board may modify or waive any requirements to the extent deemed just and proper. A waiver under this section is not required for a temporary driveway permit issued by the Administrator. Application. Application for any modification or waiver shall be made in writing by the Person who owns the Parcel on the application form provided by the Town. The application may not be filed until after an Access Permit has been sought from the Town and discussions occurred with the Administrator. The applicant shall set forth all facts relied upon to justify the modification or waiver request and the application shall be supplemented with maps, plans or additional data which may aid the Plan Commission and Town Board in the analysis of the proposed request.

- (B) Factors. The Plan Commission and Town Board shall consider the following factors, in addition to any other factors deemed relevant:
- (C) Whether granting the request for a modification or waiver will be detrimental to the public safety, health, or welfare of the general public or injurious to other property or improvements in the neighborhood in which the Parcel is located.
- (D) Whether the conditions upon which the request for a modification or waiver is based are unique to the Parcel and are not applicable generally to other property.
- (E) Whether due to the physical surroundings, shape or topographical conditions of the specific Parcel involved, a particular hardship to the Person who owns the Parcel would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of Section 12.08 were carried out.
- (F) Whether the alleged difficulty or hardship is caused by Section 12.08 and has not been created or self-imposed by the Person who owns the Parcel. It shall not be deemed to be a hardship merely because a Person desires a different Access and Driveway location, for whatever reason, if the Parcel can be otherwise accessed in compliance with Section 12.08.
- (G) Vote and Decision. A majority vote of the entire membership of the Town Board shall be required to grant any modification or waiver of Section 12.08, and the reasons shall be entered in the minutes of the Board. The Town Board may impose such conditions or restrictions upon the permit benefited by the variance as may be necessary in the sole opinion of the Town Board. Upon action by the Town Board, the Town Clerk shall notify the Person who owns the Parcel in writing of the outcome.
- (H) Consultation. The Plan Commission and Town Board shall have the power to call on the Town Engineer or other designee for assistance, including written reports, with respect to the modification or waiver requested.

SECTION 12.18 VIOLATIONS

- (A) Inspection. The Town or the Administrator is authorized to enter a Parcel with a Driveway, Shared Driveway or Private Road to inspect the Parcel prior to permit issuance for the purpose of determining whether to approve the permit, or to otherwise determine whether the Driveway, Shared Driveway or Private Road is in compliance with this Chapter 12. If permission cannot be received from the Person who owns the Parcel subject to inspection, entry by the Town Engineer shall be by special inspection warrant pursuant to Section 66.0119, Wis. Stats.
- (B) Disclaimer. The Town's grant of any Driveway Siting Permit or subsequent inspection or lack thereof does not constitute a determination that the Driveway, Shared Driveway or Public Road is safe, suitable for use, or otherwise passable for the public or emergency vehicle. No Person may rely on the issue of a Driveway Siting Permit or any inspection

to determine that a Driveway, Shared Driveway or Private Road is fit for any purpose.

- (C) Stop Work Order. The Town or the Administrator is authorized to post a stop-work order upon any Parcel which has a permit revoked or to post a stop-work order upon any Parcel upon which a Driveway or Shared Driveway is being constructed in violation of Section 12.08, including without a permit. The Town or the Administrator shall supply a copy of the stop-work order to the Town Attorney. In lieu of a stop-work order, the Town or the Administrator may issue a written cease and desist order to any Person who owns a Parcel Owner violating this Chapter. These orders shall specify that the activity must be ceased or brought into compliance with the order within seven (7) days. Any permit revocation, stop-work order or cease and desist order shall remain in effect until retracted by the Town Board, or its Administrator, or by a court of general jurisdiction, or until construction of the Driveway or Shared Driveway is brought into compliance with this Chapter. The Town Board or the Administrator is authorized to refer any violation of this Chapter or a stop-work or cease and desist order issued pursuant to this Chapter to the Town Attorney for the commencement of further legal proceedings.
- (D) Enhanced Forfeiture. Should a Driveway, Shared Driveway or Private Road be sited, constructed or maintained in violation of the provisions of this Chapter 12, or create a hazard that is not corrected within thirty (30) days of notification, the Parcel Owners or Owners through which the Driveway, Shared Driveway or Public Road passes, or which is accessed by same, shall, upon conviction, pay a forfeiture between \$75.00 and \$200.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense.
- (E) In the event of a violation of this Chapter, the cash deposits for purposes of Section 4.03 of the Town Code of Ordinances are established as follows: 1st offense \$75.00; 2nd offense (and each subsequent day of offense) \$125.00. The forfeitures and cash deposits for parking violations shall be in accordance with Section 12.13.
- (F) Compliance. Compliance with the provisions of this Chapter may also be enforced by injunction after commencement of suit by the Town. It shall not be necessary to prosecute a forfeiture action before resorting to injunction proceedings.
- (G) Performance By Town. When the Town Board or the Administrator has determined that a Parcel Owner has failed to obtain a Driveway Permit as required by this Chapter, or that the Person holding a Driveway Permit has failed to make the improvements or to follow the approved conditions, or that any Person has failed to maintain or repair an existing Driveway, Shared Driveway or Private Road as required by this Chapter, or has otherwise violated this Chapter, the Administrator may enter upon the Parcel and, with the approval of the Town Board, perform the required work necessary to rectify the non-conformity or restore the Parcel in compliance with this Chapter 12. The Administrator shall keep a detailed accounting of the costs and expenses of performing this work and all costs of its consultants, including the Administrator and Town Attorney, and these costs and expenses shall be entered on the tax roll as a special charge against the Parcel or Parcels pursuant to Section 66.0627, Wis. Stats. Notwithstanding this authority, nothing herein shall impose any liability upon the Town for any purpose for failing to

undertake such work at any time.


SECTION 12.19 APPEALS.

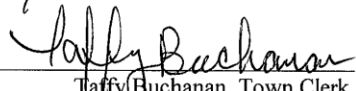
(A) Appeal Process. Any Person aggrieved by any decision made in the administration of this Chapter may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Administrator. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the Parcel and Access and Driveway location in question, and the reasons for the appeal.

(B) Decision. The Town Board shall decide on the appeal within forty-five (45) days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present.

This Ordinance shall become effective upon the posting and publication, as required by law.

Adopted this 18 of October, 2022.

By: 
Ashley Nedeau-Owen, Town Chair

Attest: 
Taffy Buchanan, Town Clerk

Posted: October 27, 2022

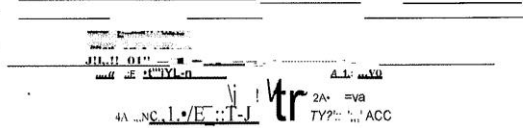
Published: October 27, 2022

APPENDIX 12.05-A
ACCESS DESIGN
STANDARDS

ACCESS DESIGN STANDARDS

KEY

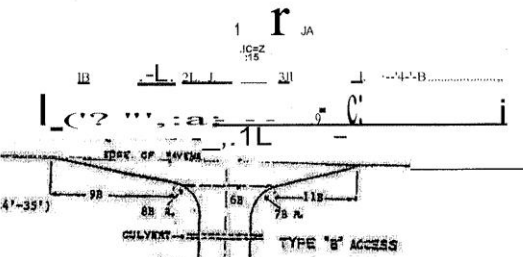
1A • 6.096m (20')
2A • 6.096m (20')
3A • 6.096m - 7.315m
(20'-24')
4A < 7.315m (24')



SS

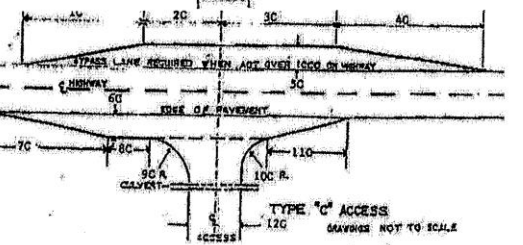
m:

1B • 45.72m (150')
2B • 30.48m (100')
3B • 45.72m (150')
4B • 60.96m (200')
5B • 3.6576m (12')
6B • 3.6576m (12')
7B • 12.192m (40')
8B • 18.288m (60')
9B • 45.72m (150')
10B • 7.315m -
10.668m
11B • 30.48m (100')



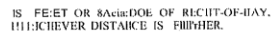
KEY

1C • 45.72m (150')
2C • 30.48m (100')
3C • 45.72m (150')
4C • 60.96m (200')
5C • 3.6576m (12')
6C • 3.6576m (12')
7C • 45.72m (150')
8C • 15.24m (50')
9C • 18.288m (60')
10C • 12.192m (40')
11C • 30.48m (100')
12C • 7.315m -
10.668m
(24'-35')



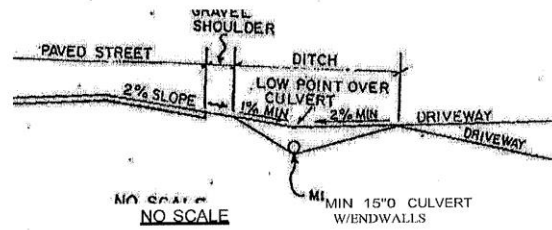
CORNERS

DRIVEWAYS ONLY



SPL&O LTHU	DISTANCE *O* - INFEET
25	225
30	280
3S	275
40	300
4S	350
50	400
SS	500

APPENDIX 12.05-C
DRIVEWAY STANDARD



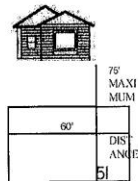
NOTE
MINIMUM DRIVEWAY CROWN
OR CROSS SLOPE = 2 %

S-9-4-30	JOB NO. 1142-92A
MEAD & HUNT, Inc.	
Consulting Engineers	
6501 W. 2nd Rd., Suite 101	OWK, BY
St. Louis, MO 63110	CGL

APPENDIX 12.20-A

DRIVEWAY

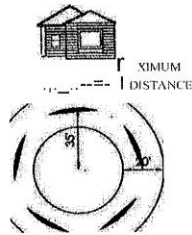
TURNAROUNDS



3

TURNAROUND

TURNOUT



- DIMENSION FOR NON-SHARED DRIVEWAY IS 10' MIN.
- UNLESS OTHERWISE STATED, ALL OTHER DIMENSIONS ARE TO BE CONSTRUED AS MINIMUM STANDARDS.

CIRCLE

NOT TO SCALE

12-34