

TOWN OF BLOOM
ORDINANCE RELATING TO DRIVEWAYS AND ROAD DRAINAGE
NO. 2011-06

The Town Board of Supervisors of the Town of Bloom, Richland County, finds that, in order to provide adequate access for emergency vehicles and/or township equipment, it is necessary to adopt standards for driveways and property access from town roads, and to provide for a permit system to ensure compliance. Furthermore, if damage occurs to town roads due to accessing property improperly, it will be necessary to provide a system to assess and collect damages. Therefore the Town Board does ordain as follows:

SECTION I - STATUTORY AUTHORITY

Pursuant to Sections 66.0413 and 175.25 of Wisconsin Statutes, the Town Board hereby elects to provide the authority for the town to regulate the construction of driveways which provide egress to town roads, by establishing a permit system and standards for driveway construction. The Town Board also elects to provide authority for the town to ensure proper maintenance of drainage adjacent to town roads, and prevent damage to said drainage/roads.

SECTION II - DEFINITIONS

- A. "Driveway" means any road providing access to living or storage facilities from a town road.
- B. "Drainage" means a ditch constructed to channel water, normally away from a road surface.
- C. "Town Road" means any road which is built, maintained, and recognized (by the State of Wisconsin) as the responsibility of the Town of Bloom.
- D. "Access Road" means any entrance to a field or property from a town road which does not lead to any living or storage facility (and therefore does not require a driveway permit).

SECTION III - APPLICABILITY

Unless otherwise noted or exempted, the driveway regulations of this ordinance shall apply to all new construction in the Town of Bloom which requires access from a town road. The access road clauses shall apply to all property which border a town road.

- A. Any person wishing to construct a driveway from a town road to their property must apply for a permit from the Town Board. Such application must include a copy of the plat map indicating the property, the intended path of the driveway, and the intended construction specifications of the driveway.

- B. The Town Board may, at its discretion, grant or deny a permit. The decision to grant or deny a permit shall consider compliance with the various elements of this ordinance. Any permit issued by the Town Board shall be signed by the Town Chairman and Clerk, and shall include any additional specifications of construction required by the board. Any denial of permit must be accompanied by a written statement from the Board detailing their objections.,
- C. The fee for a permit issued by the Town Board shall be determined by the town board annually.

SECTION IV - DRIVEWAY STANDARDS

Except as provided in Section V, every driveway shall meet, at the minimum, the following standards:

- A. Minimum road surface width of 14 feet.
- B. Minimum width clearance of 24 feet
- C. Minimum height clearance (free of trees and wires) of 18 feet
- D. Maximum grade of 10 percent.
- E. Driveways in excess of 500 feet must have at least one 25 foot (length) and 18 foot (width) segment to provide for vehicles passing.
- F. Driveways with a dead end must provide a turn around area of at least 35 foot radius, or some other method to permit vehicles to turn around.
- G. Driveway construction must consist of at least 6 inches of base rock (breaker), with 4 inches of gravel on top. If culverts are required at driveway/town road intersection, it must be a minimum of 30 foot (length) by 15 inches (diameter).

SECTION V. - EXCEPTIONS FROM SECTION IV COVERAGE

- A. Any person seeking an exemption to the given driveway standards must request said exemption from the town board when applying for their driveway permit. and provide intended alternate construction specifications at that time.
- B. Such written application shall include the intended alternate construction specifications and their justification.

- C. The Town Board can choose to modify the specifications for an individual driveway permit, if the justifications merit said modification.

SECTION VI - RECOVERING DAMAGES TO TOWN ROADS/DRAINAGE

- A. Any person causing damage to a town road may be charged up to three times the cost of repairing the road.
- B. Any person causing damage to a town road by failure to use a provided access road can be charged up to three times the cost of repair to the road and/or road drainage.
- C. Any person causing damage to road drainage by accidentally or deliberately filling it in can be charged up to three times the cost of cleaning the fill and removing it from the area.

SECTION VII - TOWN AUTHORITY

- A. Whenever any Town Supervisor shall find any driveway construction without the appropriate permit, or in violation of this ordinance, he or she shall notify the owner and/or occupant of the property on which such a construction is located of the violation of this section. If violation is not corrected, either by removal of the construction or issuance of permit, within 45 days, the Town Chairman or other authorized official may cause a citation to be issued to the owner and/or occupant of the property on which the violation is occurring.
- B. Once a citation has been issued, a separate offense occurs each day or part of a day on which such construction continues to be located in violation of this ordinance on the premises named in the citation.
- C. A permit may be revoked at any time by the Town Board, after a hearing at which it has been found the permit holder has failed or refused to comply with ordinances. A hearing may be held by the Town Board upon its own motion or upon a complaint, in writing, and signed by a complainant. Such motion or complaint shall state the nature of the alleged failure to comply with ordinances, regulations, or permit conditions. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 30 days before the date of the hearing.

SECTION VIII - PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$200.00, plus the applicable surcharges, assessments, and costs for each violation. In addition, the Town Board may seek injunctive relief from a Court of Record to enjoin further violations.

SECTION IX - NONEXCLUSIVITY

- A. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
- B. The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION X - SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XI - EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication on posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Bloom on July 14, 2011.

Vote for: X against _____

Calvin Brown
Town Chairman

Stuart O. Miller
Town Supervisor

Charles D. Davis
Town Supervisor

Posted within 30 days of passage
on 07/15/2011 at the following
public locations:

Town Hall - 13775 County Hwy H
West Lima - 17145 Cnty Hwy D
Bloom City - 14154 Cnty Hwy H

Shelly Schaefer
Town Clerk