

ORDINANCE AMENDING ROAD ACCESS ORDINANCE

The Town of Black Wolf, Winnebago County, WI does hereby ordain as follows:

Section 1. **Intent.** The intent of this Ordinance is to combine the Town's existing Road Access Ordinance and Ordinance Amending Road Access Ordinance.

Section 2. **Culvert Approval and Permit Required**

- A. No person shall install, construct or maintain any driveway in any public or private road right of way across any ditch, sidewalk, or curb, or otherwise for the purpose of access to a public or private road in the Town of Black Wolf without a road access permit.
- B. Road access permits shall be issued by the Town of Black Wolf, upon filing of an application in the form prescribed by the Town of Black Wolf and payment of the road access permit fee established by resolution of the Town Board.
- C. Each Road access permit issued pursuant to an application shall establish the size and type of culvert to be installed, and the grade, placement, and covering of the culvert when installed.
- D. Appeals from the road access permit application decisions shall be to the Town Board.

Section 3. **Culvert Installation Requirements**

- A. Culvert tubes shall be constructed of galvanized steel or of plastic and shall not be less than 24 feet or more than 40 feet in length. They may be circular or oval. The shape and diameter shall be established by the permit for each installation.
- B. The applicant shall provide all culvert tubes identified in an application.
- C. Each culvert for which a permit has been issued shall be set only by the Winnebago County Highway Department.
 - a. No culvert shall be set less than three (3) feet from a private property line.
 - b. Culverts shall be covered with a minimum of eight (8) inches of $\frac{3}{4}$ inch crushed run stone or other such material as the permit specifically may approve. Where space limitations prohibit the 8" cover, the cover requirement may be adjusted by the Building Inspector, or in his absence, by a Supervisor. Such Stone shall be provided by and paid for by the applicant or other affected property owner.
- D. Costs and expenses incurred by the Town of Black Wolf, notwithstanding the permit fee, to install new culverts or to replace existing, noncompliant culverts shall be paid by the applicant (for new culverts), or the property owner (for existing noncompliant culverts), within thirty (30) days after invoice. The Town shall keep a detailed accounting of the costs and expenses of performing this work. In default of the payment of the invoice, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

Section 4. **Driveway Installation, Construction and Maintenance**

- A. The Town of Black Wolf recommends a surface composed of asphalt, gravel, or chips and gravel. The Town of Black Wolf shall have no liability for any cost or expense incurred by any owner for repair or maintenance of any surface material used.
- B. The owner(s) of the property to which a driveway is in public or private road right of way shall maintain such driveway in a safe manner that does not obstruct or interfere with safe travel upon the road.

- C. The Town of Black Wolf shall have no liability for any cost or expense incurred by any owner of a driveway which may result from damage caused by maintenance of any public or private road, ditch or culvert.

Section 5. **Violations; Forfeitures**

- A. In addition to any other penalty provided by law or ordinance, any person who shall install, construct or maintain a driveway in a public or private road right of way other than as provided by this Ordinance shall, upon conviction of such violation be subject to a forfeiture, as follows
 - a. For an initial violation, not less than \$100.00 or more than \$500.00, together with costs of prosecution.
 - b. For any subsequent violation, not less than \$200.00 or more than \$1,000.00 together with the costs of prosecution, however, that each day a violation occurs or continues shall constitute a separate violation of this Ordinance.
- B. Forfeitures which are unpaid as of any December 1st shall be assessed as special taxes against the property served by the driveway.

Section 6. **Effective Date**

This Ordinance shall be effective upon its adoption, posting and publication as provided by law, and shall apply to all new and replacement culvert installations made after February 9, 2015.

Frank Frassetto, Town Chairman

Attest:

Kim Hopkins, Town Clerk