

ORDINANCE NO. 2019-1

STATE OF WISCONSIN  
TOWN OF NORTH BEND  
JACKSON COUNTY

THE TOWN BOARD OF THE TOWN OF NORTH BEND HEREBY ORDAIN AS FOLLOWS:

**SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the *Town of North Bend Driveway Permit Ordinance*. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of North Bend, and to regulate roadway access by motor vehicles to any town roadway in the town. This is not a town zoning ordinance.

**SECTION II – AUTHORITY**

The town board has the specific authority under ss. 66.0425 and 86.07, Wis. stats., to adopt a town roadway access permit ordinance, and has the general authority under its village powers under s. 60.22, Wis. stats., to adopt this ordinance.

**SECTION III – ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by permit of certain driveways in the town.

**SECTION IV – DEFINITIONS**

In this ordinance:

A. “Driveway” means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public roadway, and will provide vehicular access from the public Roadway to a residence, business, recreational site, or other similarly appropriate use.

B. “Emergency vehicle” means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.

- C. "Town" means the Town of North Bend, Jackson County, Wisconsin.
- D. "Town board" means the board of supervisors for the Town of North Bend, Jackson County, Wisconsin, and includes any designee of the board authorized to act for the board.
- E. "Town clerk" means the clerk of the Town of North Bend, Jackson County, Wisconsin.
- F. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

#### **SECTION V – COVERAGE**

- A. No person may establish or construct a driveway or reconstruct, reroute, or alter any public roadway access onto a public roadway without first obtaining a ***Town Driveway Permit*** to be issued by the town board or its designee.
- C. Any person prior to and at the time of seeking a ***Town Driveway Permit*** must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

#### **SECTION VI – SPECIFICATIONS**

- A. All driveways in the town for which a ***Town Driveway Permit*** is required under Section V shall meet all of the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections VII demonstrate compliance with the requirements of this section:
1. All driveways shall have a fifteen-foot (15') setback from an adjacent property line.
  2. There shall be a minimum spacing of seventy-five feet (75') between any driveway or access points to a public roadway measured from the pavement edge or the edge of improved portion of a non-paved driveway.
  3. All driveways shall have culverts of an appropriate size to maintain proper ditching unless deemed unnecessary by official decision of the town board.
  4. Driveways shall be constructed to provide adequate access for emergency vehicles to access any buildings to which the driveway serves.

#### **SECTION VII – APPLICATION AND PERMIT PROVISIONS**

A. The town board shall approve a form for application for both the **Town Driveway Permit**, which shall be available from the town clerk.

B. The applicant for a **Town Driveway Permit** shall submit to the town clerk a completed application for each with the appropriate fee and with the following attachments:

1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project.

2. Plat Map. A plat map indicating the location and dimensions of the desired driveway location, as well as the parcels immediately adjacent to the applicant's property.

3. Other Documents. The town board may require other documents to be attached to the Driveway Permit Application.

C. The town board shall approve or deny every Town Driveway Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons for denying a Town Driveway Permit Application may include, but are not limited to:

1. The inconsistency or nonconformance of the proposed driveway with any of the following:

- a. This ordinance.
- b. Any existing town comprehensive plan, master plan, or land use plan.
- c. Town ordinances, rules, regulations, or plans.
- d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.

2. The driveway as proposed would be dangerous or unsafe for use by persons in the town.

3. The application as filed and submitted is incomplete or contains false material as determined by the town board.

4. Alternative driveway locations will be safer for persons ingressing or egressing on the driveway and access point by motor vehicle or for persons traveling on the adjacent public roadway by motor vehicle.

5. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

D. A **Town Driveway Permit** is effective for 12 months from the date of issuance. Each permit shall automatically expire after 12 months unless renewed.

E. Each permit may be renewed for one additional period of 6 months. If the driveway has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.

F. The applicant shall notify the Town Board Chairperson or his/her designee within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway. Within 30 days of notification, the town shall conduct an inspection of the driveway to ensure full compliance with all of the permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the town board shall issue a **Town Driveway Occupancy Permit**.

G. An application fee that is nonrefundable in an amount which can be changed by a resolution of the town board will be charged for each permit application as follows:

1. Initial Town Driveway Permit Fee **\$25.00**

H. In the event of a denial of a Town Driveway Permit Application, the Town Board, or its designee shall recite in writing the particular facts upon which the town board based its denial of the permit. The Town Board shall also afford the applicant, upon timely notice by the applicant to the Town Board, an opportunity for review of the decision and to present evidence at a public hearing after a Class 1 Notice under section 985.07, Wis. Stats., of the hearing. Thereafter, the decision may be affirmed, reversed, or modified.

#### **SECTION VIII – PENALTY PROVISION**

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 \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

#### **SECTION IX – SEVERABILITY CLAUSE**

If any provision of this ordinance or 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 X – EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 13<sup>th</sup> day of March, 2019.

In Favor:

Richard A. Also

[Signature]

[Signature]

Opposed:

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Attest:

[Signature]

Town Clerk

published March 27, 2019  
Banner Journal

posted on town hall door, Jerry's Banbury Shop,  
man-cave, overflow, town website