

Ordinance No. 2021-03

**An Ordinance Regarding Driveway and Culvert
Permits and Design Specifications**

The Town Board of the Town of Black Brook, Polk County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Title 6, Chapter 4 "Driveways and Culverts" of the *Town of Black Brook Code of Ordinances* is adopted to read as follows, with all earlier such conflicting ordinances repealed:

Title 6 ► Chapter 4

Driveways; Culverts

6-4-1	Construction of Driveways; Placement of Culverts
6-4-2	Rural Address Sign Placement
6-4-3	Construction Standards for Private Streets
6-4-4	Snow Removal on Private Driveways/Streets

Sec. 6-4-1 Construction of Driveways; Placement of Culverts.

- (a) **Purpose.** The purpose of this Section is to promote the safety and general welfare of the citizens of the Town of Black Brook through Town authorization of driveway locations and minimum standards which allow proper drainage of surface waters within Town ditches. This Section is intended to establish the standards regarding the construction, improvement, modification or reconstruction of a driveway or field driveway connecting to a Town road to:
- (1) Assure that the site, method of construction, and conservation practices to be used will promote the public health, safety, and general welfare of the community;
 - (2) Preserve agricultural land and productivity;
 - (3) Provide safe entrance onto public roadways by avoiding dangerous driveway locations;
 - (4) Prevent damage to public roads, graded ditches, roadsides and other driveways by managing drainage;
 - (5) Maintain safe travel on public roads;
 - (6) Provide uniform, consistent design standards for the construction and improvement of Town roads, supplementing County road standards;
 - (7) Promote the orderly layout of Town roads and mapping of the same for continuation in and connection with the Town road system; and
 - (8) Implement the goals, objectives and policies set forth in the Town of Black Brook Comprehensive Plan, as amended.
- (b) **Authority.** These regulations are adopted under the general police powers authority granted pursuant to Sections 60.10(2)(c), 60.22(3), 61.34(1), 66.0425, and 86.07(2), Wis. Stats., and under the town highway authority granted by Ch. 82, Wis. Stats.
- (c) **Jurisdiction; Exemption for Non-Town Road Access.**
- (1) **Applicability.** This Section applies to all driveways, including residential, open space, agricultural, commercial, industrial, temporary and field driveways accessing Town roads, which occur or are proposed to occur in the Town of Black Brook. Specific

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standards set forth in this Section apply only to those segments of driveways located within a Town right-of-way.

- (2) **Non-Town Road Access Exception.** Driveways accessing onto county, state or federal highways shall obtain the approval of the proper regulatory authority for those roads for a driveway permit and are exempt from obtaining a driveway/culvert permit from the Town of Black Brook.
 - (3) **County Regulations.** This Section shall be in addition to and be a supplement to the Polk County Zoning and Land Division Ordinances as they apply to road and driveway standards and installation within the Town of Black Brook. Where the provisions of this Section and the Polk County Zoning and Land Division Ordinances conflict, the more restrictive provisions shall control. Designs and standards not addressed in this Section but addressed in the Polk County ordinances shall be applied by the Town Board.
- (d) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Rules of Interpretation.** For the purpose of administering and enforcing this Section, the terms or words used herein shall be interpreted as follows:
 - a. Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - b. The word "shall" is mandatory, not permissive.
 - c. All distances, unless otherwise specified, shall be measured horizontally.
 - d. All definitions that refer to the Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.
 - (2) **Driveway.** A private way, road, or other avenue or means of access or travel that runs through any part of a private parcel of land or that connects, or will connect, with any public highway/road and will provide vehicular access from the highway to a residence, business, farm, recreational site or other appropriate use.
 - (3) **Field Driveway.** A type of driveway used solely to access land for agricultural use.
 - (4) **Rural Profile Driveway.** One located on a road without curb and gutter, with ditches.
 - (5) **Temporary Driveway.** A driveway that may be placed for a specific purpose (such as logging or construction) but which must be removed at the end of the specified timeframe.
- (e) **Driveway/Culvert Construction Permit Required.**
- (1) **Permit Requirement.** No person, partnership, company or corporation shall locate, establish or construct any new driveway, modify and existing driveway, or install or replace any culvert in a Town of Black Brook right-of-way without having first obtained a driveway/culvert permit and having necessary inspections occur.
 - (2) **Permit Issuance Prior to Construction or Building Permit Issuance; Exception.**
 - a. No construction work shall commence on a new or existing driveway or culvert prior to obtaining a Town permit. Driveway surface maintenance or repair of an existing driveway does not require a permit.

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- b. A driveway/culvert permit shall be obtained before a building permit is issued for a new residence.
 - (3) **Application Design Review and Inspection Official.** The Town Board may appoint or contract with a representative ("designee") for design review, inspection and approval.
- (f) **Driveway/Culvert Permit Applications.**
- (1) **Application Reviews.** Applications for a driveway/culvert permit shall be made to the Town Clerk, or the Town's designee, who shall collect the fee as prescribed in the Town Fee Schedule. The Town Board, or its designee, shall review all driveway/culvert applications. Driveways/culverts serving a single property shall be approved by the Town Board or its designee. Joint driveways serving two (2) properties shall be approved by the Town Board.
 - (2) **Required Application Information.** Applications shall include the following information:
 - a. Applicant name and contact information.
 - b. Property owner name and contact information, if different than the applicant.
 - c. Property information: site address, legal description, Town road affected.
 - d. Project information: type of driveway, location, Town road affected, and proposed construction plan and dates.
 - e. A site plan or sketch, which shall include the following information:
 - 1. General parcel or lot dimensions.
 - 2. Existing and/or proposed buildings.
 - 3. Proposed driveway or culvert location.
 - 4. Locations of other existing driveways/culverts on neighboring properties within three hundred (300) feet of the proposed driveway.
 - 5. Road name(s) and locations to lot/parcel and driveway/culvert.
 - 6. Driveway specifications: length, width and materials to be used.
 - 7. Culvert specifications: length, width, material, and location.
 - 8. Drainage areas that impact or cross the driveway/culvert and description of how water will be managed to protect the integrity of the driveway and/or culvert.
 - 9. If applicable, slopes of twenty percent (20%) or greater that the driveway or culvert will disturb or cross and a description of how erosion will be prevented and sediment controlled.
 - f. Contact information regarding who will be doing the construction work on the driveway and/or culvert.
 - (3) **Required Signatures.** The application shall be signed by the property owner.
 - (4) **Marking of Proposed Site.** The applicant shall clearly mark the proposed driveway and/or culvert location with flags and/or stakes. The proposed centerline of the driveway surface shall also be marked.

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- (5) **Fee Payment.** Applicants shall pay a non-refundable permit review and inspection fee per the Town Fee Schedule; the Town may require different permit fees for residential and agricultural driveways. The fee amount shall be sufficient to cover the cost of driveway/culvert design review and inspection by Town officials.
- (g) **Application Determinations.**
- (1) **Single Property Permit Issuance or Denial.** Within fifteen (15) days from the date of submittal of a properly completed application, including a site plan, and after an inspection of the site has occurred, the Town Board, or its designee, shall approve or deny the issuance of a driveway/culvert permit for a single property.
 - (2) **Joint Driveway/Culvert Permit Issuance or Denial.** For joint driveways and related culverts, within fifteen (15) days from the date of submittal of a properly completed application, including a site plan, and after an inspection of the site has occurred, the Town Board's designee shall make a recommendation to approve or deny the joint driveway/culvert permit for a determination by the Town Board at its next regular meeting.
 - (3) **Post-Construction Inspection.** Town officials may require a final inspection of the site to verify that the driveway/culvert construction is in conformance with the permit and Town requirements.
 - (4) **Permit Validity.** A driveway/culvert permit shall be valid for one (1) year from the date of issuance. All approved construction shall be completed prior to permit expiration.
 - (5) **Other Agency Approvals.** The property owner/developer shall obtain permission from the State of Wisconsin Department of Transportation (WisDOT) for access to state and federal highways, and from the Polk County Highway Department for access to any county highway.
- (h) **General Driveway and Culvert Standards.**
- (1) **Reservation of Town Rights.** The Town Board reserves the right, without permit, to make such changes, additions, repairs and relocations within statutory limits to a driveway, culvert and their related appurtenances in a Town right-of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening and/or maintenance of the Town road or to provide proper safety protection to life and property on or adjacent to the Town road.
 - (2) **Hold Harmless Requirement; Maintenance and Snow Removal Responsibility.**
 - a. The applicant, his/her successors, and assigns agree to hold harmless the Town of Black Brook and its duly appointed representatives against any action for personal injury or property damage sustained by construction and installation of any driveway and/or culvert authorized by Town permit.
 - b. The Town of Black Brook does not assume any responsibility for repair or maintenance of any driveway along a Town road, including repair, maintenance or replacement of culverts in the Town right-of-way. Repair, maintenance and/or replacement is the responsibility of each property owner.

- c. The Town of Black Brook does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any driveway along a Town road, even though snow, ice or sleet is deposited or windrowed on said driveway by Town personnel engaged in normal winter road maintenance operations.
- (3) **Obstruction or Impairment of Drainage.**
- a. All driveways shall be designed and maintained by the owner(s) to not obstruct or impair drainage in road side ditches or roadside areas, unless the driveway has been designed to redirect or hold water and such design was approved by the Town.
 - b. All driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the driveway area excessively flowing onto the roadway.
- (4) **Maximum Number of Driveways by Zoning Classification.**
- a. Residential, open space, conservancy and agricultural land uses by zoning or predominant use shall have a maximum of one (1) driveway access.
 - b. Commercial and industrial land uses by zoning or predominant use shall have a maximum of two (2) driveway accesses.
 - c. Institutional land uses shall have a maximum of two (2) driveways.
 - d. No more than four (4) driveways are permitted on the arc of a cul-de-sac.
- (i) **Driveway Design and Construction Standards.** All driveway construction shall meet the following standards:
- (1) **Grade.**
 - a. A maximum grade no greater than twelve percent (12%) is allowable at any point along a driveway.
 - b. No grade greater than two percent (2%) is permitted within fifty (50) feet of the centerline of the intersecting road. The driveway surface shall initially follow the existing shoulder grade and shall slope away from the Town road.
 - (2) **Driveway Separation.** Driveways shall be a minimum of twenty (20) feet apart.
 - (3) **Maximum Driveway Slope.** To ensure safe turning movements into driveways, especially during snow, sleet, ice and heavy rain events when sliding and skidding are likely to occur, the maximum slope of the roadway centerline grade for a distance of one hundred (100) feet from each side of the driveway centerline shall be six percent (6%) or less.
 - (4) **Intersection Angle With Road; Divided Roads with Crossovers.**
 - a. All driveways should intersect a Town road at approximately a ninety degree (90°) or right angle to the highway pavement.
 - b. Where crossovers in divided road or highway medians have been established, access driveways shall be placed directly opposite them.
 - (5) **Sight Distances.** All driveways on Town roads with 45-55 miles per hour speed limits shall have an adequate sight distance of four hundred fifty (450) feet along the

intersecting road, measured at a height of three and one-half (3 1/2) feet from the shoulder line at the proposed driveway location to three and one-half (3 1/2) feet from the road's centerline surface, in both directions.

- (6) **Obstruction-Free Vision Triangle.** A clear, obstruction-free vision triangle of thirty (30) feet from the centerline of the road shall be maintained on each side of the driveway. No building, fence, structure, vegetation or any other object preventing a line of sight through the triangle may be placed.
- (7) **Driveway Access Point Location; Interference with Utilities.**
 - a. Driveway access for a single site shall be located at least five (5) feet for field driveways and ten (10) feet or more for all other driveways from the property line. If approved by the Town Board, a joint/shared driveway for two (2) properties may be placed on the property line.
 - b. Driveways shall be placed whenever possible as to not interfere with utilities in place.
- (8) **Driveway Access Opening Dimensions.**
 - a. Driveway access openings for vehicular ingress and egress shall be sufficiently wider at the roadway surface for safe turning movements and within the right-of-way to cover a culvert, when needed.
 - b. Driveway access openings for residential, open space, conservancy and agricultural land uses shall have a minimum width of sixteen (16) feet and a maximum width of twenty-four (24) feet at the right-of-way.
 - c. Driveway access openings for commercial and industrial land uses shall have a minimum width of twenty (20) feet and a maximum width of thirty-five (35) feet at the right-of-way line.
- (9) **Minimum Driveway Surface Width.** Driveways shall have a minimum surface/mat of twelve (12) feet in width.
- (10) **Minimum Base Requirements Within Right-of-Way.** A driveway shall have a minimum of six (6) inches of three-quarter (3/4) inch crushed aggregate rock on the driveway bed/base within the area of the driveway located within a Town road right-of-way [within thirty-three (33) feet of the centerline of the intersecting road.]
- (11) **Apron Interference with Pavement Prohibited; Proper Drainage.**
 - a. Under no circumstances shall a driveway apron extend above any highway pavement surface and into the surface area of the highway or road.
 - b. The surface of the driveway connecting with the road shall slope downward and away from the road shoulder a sufficient distance to preclude ordinary surface water drainage from excessively flowing onto the roadbed.
- (12) **Side Slope.** The side slope of the driveway access at the intersecting road shall be vegetated and graded to approximately 4:1 slope [four (4) ft. horizontal to one (1) ft. vertical.]

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- (13) **Retaining Walls, Rocks or Timbers in Right-of-Way.** Retaining walls, embankments of any kind, landscaping rocks, timbers, fixed basketball hoops, driveway standards and other similar driveway marking treatments are prohibited within the right-of-way.
- (14) **Minimum Intrusion Onto Agricultural Lands.** Driveways shall not cross agricultural land unless no other alignment is possible.
- (15) **Extreme Slope Parcels.**
- a. No land with a grade of more than twenty-five percent (25%) shall be disturbed for the construction, establishment, reworking or improvement of a driveway.
 - b. On sites where slopes of twenty percent (20%) or greater will be disturbed, the Town requires that the most current standards promulgated by the Wisconsin Department of Natural Resources (WisDNR) be used to control sediment and erosion during construction. An engineer's plan showing adequate erosion control measures is required for any segment of the proposed driveway which disturbs land with a grade of more than twenty percent (20%) and less than twenty-five percent (25%).
- (16) **Restoration of Disturbed Areas.** Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by driveway and/or culvert construction shall be restored by the property owner at his/her cost.
- (j) **Field Driveways.** In addition to meeting other applicable requirements in Subsection (i) regarding driveway design standards, field driveways should be placed close to property lines or fence rows wherever possible. A field driveway/culvert requires a permit from the Town. Field driveways for agricultural land uses shall not exceed one (1) field driveway for every five hundred (500) feet of frontage.
- (k) **Joint/Shared Driveway Standards.**
- (1) **Review and Approval.** Joint/shared driveway applications shall be reviewed and approved by the Town Board pursuant to Subsection (g)(2) above. Joint or shared driveways may be allowed where deemed beneficial, but the shared area impacted shall be the least amount necessary and shared/joint driveways shall not provide access to more than two (2) lots or parcels.
 - (2) **Width.** In addition to the standards of Subsection (i) regarding driveway design standards, joint/shared driveways shall have a minimum width of twenty (20) feet and a maximum width of twenty-four (24) feet at the road right-of-way line.
 - (3) **Required Joint/Shared Driveway Agreement.** A joint/shared driveway agreement addressing repair and maintenance is required for all joint/shared driveways and shall be approved by the Town Board. The joint/shared driveway agreement shall be recorded with each property's deed in the Polk County Register of Deeds Office.
- (l) **Temporary Driveway Design Standards.**
- (1) **Use Limitation.** A temporary driveway may be allowed to accommodate short-term events or activities such as parking, construction sites or logging. A temporary driveway shall not be used to access a residential building site or property, which is governed by Subsection (m) below.

- (2) **Security Deposit.** In addition to meeting the driveway standards in Subsection (i) above regarding driveway design standards, the applicant for a temporary driveway shall provide a removal and repair cash deposit to be held by the Town. Such deposit amount shall be set by the Town Board or designee in an amount up to Ten Thousand Dollars (\$10,000.00) to cover the cost of driveway removal, regrading, seeding, vegetation and associated costs, such as, but not limited to, publication, professional services, and bidding.
 - (3) **Application Review and Approval.** Applications for a temporary driveway shall be reviewed and approved by the Town Board or its designee.
 - (4) **Temporary Driveway Permit Validity; Inspection; Site Restoration.**
 - a. A temporary driveway permit shall be issued for a maximum of six (6) months.
 - b. Within thirty (30) days of the expiration of the temporary driveway permit, the driveway and any culvert shall be immediately removed and the ditch and right-of-way graded and seeded to match the grade and cover prior to installation.
 - c. Upon the removal of the temporary driveway by the permittee, the Town shall be contacted and an inspection of the site shall be made prior to any return of the deposit.
 - d. In the event the temporary driveway is not removed at the expiration of the permit, the Town Board shall exercise its right to retain the removal and repair deposit and use the funds to remove the temporary driveway, repair the site, and restore vegetation.
- (m) **Temporary Construction Driveway/Stone Tracking Pad.**
- (1) **Use.**
 - a. A permanent driveway may be installed at a construction site instead of a temporary construction driveway/stone tracking pad, if the permanent driveway meets the standards of this Section, is able to support construction traffic, and meets applicable Wisconsin Uniform Dwelling Code (UDC) standards.
 - b. Pursuant to the Wisconsin Uniform Dwelling Code, a temporary construction driveway/stone tracking pad or washing station is required at all construction sites. Applicants should consult with the Town Building Inspector for further information when applying for a building permit. Stone tracking pads reduce off-site sedimentation by eliminating the tracking of construction site sediment onto roads and highways.
 - c. Temporary construction driveway/stone tracking pad applications shall satisfy the application, security deposit, and site inspection requirements of Subsection (1)(2)-(4) above.
 - (2) **Design Standards.** A temporary construction driveway/stone tracking pad shall meet applicable Wisconsin Department of Natural Resources specifications and the following minimum standards:
 - a. Temporary construction driveways/stone tracking pads shall be a minimum of sixteen (16) feet wide and fifty (50) feet in length.

- b. Aggregate rock used shall be three (3) to six (6) inch clear or washed stone, with all material to be retained on a three (3) inch sieve.
 - c. The aggregate shall be placed and maintained in a layer at least twelve (12) inches thick.
 - d. On sites with a high water table, or where saturated conditions are expected during the life of the use of the temporary measure, temporary construction driveways/stone tracking pads shall be underlaid with a WisDOT Type R geotextile fabric to prevent migration of underlying soil into the aggregate stone.
 - e. Surface water shall be prevented from passing through the temporary construction driveway/stone tracking pad. Flows shall be diverted away from tracking pads or conveyed under and around them by using a variety of practices, such as culverts or similar techniques.
 - f. Rocks lodged between the tires of dual wheel vehicles shall be removed prior to leaving the construction site.
- (3) **Site Restoration.** At the expiration of the temporary driveway permit, the stone tracking pad and any culvert shall be immediately removed and the ditch and right-of-way graded and seeded to match the grade and vegetative cover prior to the temporary use. In the event the temporary construction drive/stone tracking pad is not removed at the expiration of the permit, the Town Board shall exercise its right to retain the removal and repair deposit and use the funds to remove the driveway/pad, repair the site, and restore vegetation.
- (n) **Special Requirements for Driveways Over 150 Feet in Length; Special Situations.**
- a. In addition to those driveway design standards prescribed in Subsection (i) above, private driveways one hundred and fifty (150) feet and over in length, measured from the edge of the traveled surface of the intersecting road to the structure, shall meet the following standards to permit access to principal buildings by Fire Department and/or other public safety authorities:
 - 1. A minimum of a twenty-four (24) foot right-of-way;
 - 2. A minimum clear-cut width of twenty (20) feet;
 - 3. A minimum driving surface of sixteen (16) feet;
 - 4. A minimum height clearance of fifteen (15) feet;
 - 5. A minimum width of twenty (20) feet for all aprons and approaches; and
 - 6. Have an area sufficient for a turn-around of a tandem axle truck and be acceptable to the Fire Department providing service to the property through a written approval letter. Suggested turn-around dimensions are: an open area with a diameter of seventy (70) feet or a "T" or "Y" area with a length of sixty (60) feet per side.
 - 7. Have a vehicle passing spot to the side of such driveway at one hundred (100) foot intervals; clear cutting of vegetation to enable large emergency vehicles to utilize such passing spots is required.

- b. Driveways of two hundred (200) feet and over accessing parcels on which there are no structural improvements are exempt from the requirements of this Subsection. However, if a structure is subsequently built, all standards and requirements for driveways and culverts prescribed by this Section shall then be fully complied with.
 - c. The Town Board or its designee, based on recommendations of the Fire Department serving the property, may require additional clear-cut width clearances and extra driving surface widths to alleviate concerns caused by sharp curves, steep inclines or other situations which could interfere with emergency vehicles properly and safely utilizing the driveway.
- (o) **Waiver or Modification of Driveway Design Standards.**
- (1) ***Waiver Based on Unique Characteristics.***
 - a. If an applicant can clearly demonstrate that one (1) or more unique conditions affecting the driveway location or construction make the literal application of one (1) or more of the design standards herein impracticable or unduly burdensome, the Town Board may waive or modify such standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this Section and the health, safety, and general welfare of the neighborhood.
 - b. A waiver or modification may not be based on mere inconvenience or financial hardship to the applicant or involve a self-created hardship of the applicant.
 - c. A waiver or modification shall provide only the minimum relief necessary to overcome the unique condition(s).
 - (2) ***Application for Waiver or Modification.*** A request for a waiver or modification of any standard required by this Section must accompany the initial application and state the reason for the request.
- (p) **Culverts.**
- (1) ***Determination of Culvert Need.***
 - a. Upon completion of the design review for a driveway, the Town Board or its designee shall make a determination, and inform the applicant, when a driveway culvert is necessary in road right-of-ways.
 - b. Culverts may be necessary outside of the Town right-of-way for proper drainage and safe emergency vehicle access, but the size, design and location of such culverts are the property owner's responsibility.
 - (2) ***Culvert Specifications.***
 - a. Each driveway shall have a culvert a minimum of fifteen (15) inches in diameter at the ditch line where the driveway meets the public road, unless waived or modified on a showing of hardship or difficulty to the Town Board, and, in the case of county or state highways, approved by the County Highway Commission or district engineer of the Wisconsin Department of Transportation. The Town Building Inspector or Town Engineer may be asked to make a recommendation on the need for culverts for any driveways.

- b. Used culverts are not permitted without Town Board inspection and authorization. Culverts shall be constructed of galvanized steel, HDPE plastic, or reinforced concrete; the size and gauge shall be approved by the Town Board or its designee prior to installation. When a HDPE plastic culvert is utilized, there shall be adequate soil cover to protect such culvert.
 - c. The property owner shall install the culvert at his/her cost and shall keep such culvert properly maintained, unobstructed and clean.
 - d. In no case shall the culvert diameter be less than fifteen (15) inches nor shall the culvert length be less than twenty-four (24) feet or two (2) feet greater than the width of the driveway, and will additionally have standard apron end walls. The culvert shall be of a size to provide proper drainage under the driveway entrance and along the Town road.
- (3) **Placement.** Culverts shall be placed in the ditchline at elevations that will ensure proper drainage.
 - (4) **Backfill Materials.** Material used for backfill shall be of a quality acceptable to the Town and shall be free from frozen lumps, wood, stumps, or other extraneous or perishable/bio-degradeable materials.
 - (5) **Minimum Cover.** The minimum cover, measured from the top of the culvert pipe to the top of the crushed aggregate, shall be twelve (12) inches.
 - (6) **Erosion Control.** Erosion control measures shall be implemented as necessary to control erosion when culverts and/or driveways are installed, as directed by the Town.
 - (7) **Responsibility for Installation and Maintenance; Improper Placement.** The property owner shall install the culvert and be responsible for the cost thereof. Illegal culverts shall be removed at the owner's expense following notice and a prior opportunity to correct. Maintenance of culverts and/or driveways and repair of defective culverts shall be the responsibility of property owners, except when the Town does a re-ditching project and culverts are replaced, the Town will replace the culvert and pay the cost thereof. Replacement of a damaged or worn culvert is the property owner's responsibility. Filling of ditches and/or culverts located within a public right-of-way is prohibited without authorization from the Town.
- (q) **Prohibited Driveways and/or Approvals.**
 - (1) **Prohibited Placement of Obstructions.** No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure within the right-of-way limits of any highway in the Town of Black Brook except as permitted by this Section. As used herein, the term "structure" includes private driveways, a portion of which extends into any highway, and which is in non-conformance with the requirements of this Section.
 - (2) **Prohibited Filling of Ditches.** Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town Board.
 - (r) **Existing Driveway Situations.** The property owner of a driveway existing at the time this Section became effective may be required to install a culvert if such existing driveway

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impedes the flow of surface waters or presents a hazard to public safety, as determined by the Town Board. In such situations, the Town Board may order the owner thereof to correct the hazard, which may include the installation of a proper culvert. The cost of such construction and installation shall be borne by the property owner. If the owner refuses or neglects to install the proper culvert or correct hazardous conditions, the Town shall, after notice to the owner, proceed to install the proper culvert or perform necessary construction work, and charge the cost thereof to the property owner. If such costs are not paid to the Town by November 1st, the Town Clerk shall place the costs on the tax roll in the same manner as a special charge to be collected with real estate taxes per Sec. 66.0627, Wis. Stats.

- (s) **Enforcement.** No fire/address number or building permit for construction of any kind will be issued until such time as the driveway/culvert permit has been issued.
- (t) **Penalties.**
 - (1) **Forfeiture.** Any person, partnership, company or corporation who violates any provision of this Section shall pay a forfeiture as provided in Section 1-1-6, along with all applicable assessments, surcharges and court costs, and shall remove, alter or correct the installation as ordered by the Town of Black Brook. Each day that a violation exists shall constitute a separate offense.
 - (2) **Removal.** An unlawful driveway or culvert in violation of this Section constitutes a safety hazard and/or public nuisance and may be subject to removal. If the owner or occupant does not correct the driveway or culvert as ordered by the Town within the allotted time, the cost of such repairs, corrections, restoration and/or removal conducted by the Town will be charged to the property owner as provided in Section 86.02, Wis. Stats. The Town's direct and indirect costs may include, but are not limited to, engineering, legal, administrative, materials, construction and demolition expenses. Should the property owner fail to pay any penalties and/or repair, correction, administrative, restoration and removal costs, the expenses thereof shall be charged against the property as a special charge pursuant to Sec. 66.0627, Wis. Stats.

Sec. 6-4-2 Rural Address Sign Placement.

Placement of rural address number signs within a Town of Black Brook right-of-way shall meet the following standards:

- (a) Address signs shall be placed on the right side of the driveway, when facing the driveway from the road and at the road right-of-way line.
- (b) The address sign shall be kept clear of obstruction and shall be placed parallel to the road for visibility in both directions.

Sec. 6-4-3 Construction Standards for Private Streets.

- (a) **Standards.** All private streets shall be constructed in accordance with the specifications and requirements of Title 14 of the Town of Black Brook Code of Ordinances for public roads.
- (b) **Drainage.** Street ditch construction along private streets shall be required in those areas where storm water runoff would otherwise be forced onto the traveled street's surface due to the topography. All drainage easements necessary to construct these ditches shall be previously provided by the property owner.
- (c) **Maintenance Costs.** All costs necessary for the continued maintenance of the private street to conform to these requirements for the safe passage of emergency vehicles shall be at the property owner's expense.
- (d) **Non-Compliance.** If inspection of the private street by the Fire Chief, Building Inspector or other Town of Black Brook representative indicates maintenance is needed, a letter shall be sent to the owner(s) of the property requiring the maintenance. The property owner shall have thirty (30) days to comply. If the property owner does not comply, the work shall be ordered done by the Town Board and costs billed to the property owner. If the property owner does not pay the bill, said costs shall be assessed to the property as a special charge per Sec. 66.0627, Wis. Stats.

Sec. 6-4-4 Snow Removal on Private Driveways/Streets.

Snow removal for all private driveways and streets shall be the responsibility of the property owner to allow for emergency services even if the house is not occupied during the winter.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

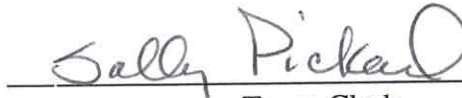
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 12th day of October, 2021.

TOWN OF BLACK BROOK, WISCONSIN



Chairperson



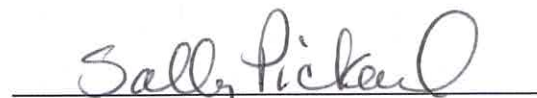
Town Clerk

INTRODUCED: _____
ADOPTED: 10-12-2021
POSTED: 10-13-2021

State of Wisconsin:
County of Polk:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Town of Black Brook Board of Supervisors on the 12th day of October, 2021 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 12th day of October, 2021


Sally Pickard, Town Clerk