

ORDINANCE 2022-002

AN ORDINANCE TO AMEND CHAPTER 206 OF THE CODE OF ORDINANCES FOR THE TOWN OF VINLAND

Chapter 206 had not previously addressed culvert work or working in the town road right of way.

Chapter 206 title will now become Driveways, Culverts and Road Right of Way.

Changes made to the chapter are highlighted in yellow and will now become Chapter 206 in its entirety.

Dated this 13th day of June 2022



Don O'Connell, Town Chairman



Karen Brazee, Clerk/Treasurer

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Chapter 206

Driveways, Culverts & Road Right of Way

[HISTORY: Adopted by the Town Board of the Town of Vinland as Title 6, Ch. 4, of the 2004 Code. Amendments noted where applicable. Revised June 2022.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 358.

Subdivision of land — See Ch. 361.

Zoning — See Ch. 410.

§ 206-1 Culvert requirements.

No person shall construct any driveway or private road in a public right-of-way of the Town of Vinland without installing a culvert in full compliance with this chapter. Included within the scope of this requirement are commercial driveways.

§ 206-2 Driveway and culvert location, design and construction requirements.

- A. General requirements. The location, design and construction of driveways shall be in accordance with the following:
- (1) General design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
 - (2) Island area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection A(4).
 - (3) Driveway approach to Town road.
 - (a) The apron from the center of the culvert to the road pavement must have a minimum of a three-foot to ten-foot taper on each side of the apron. Example: If the distance from the center of the culvert to the pavement is 10 feet, then the apron must be three feet wider on each side than the width of

the culvert.

- (b) The sides of the apron, at least to the culvert, should be beveled down to grade so as to have no abrupt surface that could damage a snowplow or create hazard to any vehicle that should travel off the pavement.
 - (c) No barricade, fence or guard that extends higher than the roadbed may be constructed in the area from the pavement to the center of the culvert.
- (4) Restricted areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
- (a) The filling or draining shall be grades approved by the Town Board; except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner. **The property owner shall be responsible for the cost professional services required to determine / set drainage grades, erosion control, and / or for required wetlands delineation.**
 - (b) Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required where the total culvert length is greater than 300 feet and/or where a bend or curve in the pipe is required.
 - (c) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts, as may be required by the Town Board.
- (5) Relocation of utilities. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board necessary before any utility may be located and the driveway installed.
- (6) Variances. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- B. Special requirements for commercial and industrial driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) Width of drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width greater than 30 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances, where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.

(2) Angular placement of driveway. The angle between the center line of the driveway and the curb or road edge shall not be less than 70°.

C. Special requirements for residential driveways. The following regulations are applicable to driveways serving residential property:

- (1) Width. Unless special permission is first received from the Town Board or a committee thereof, a residential single-type driveway shall be no greater than 30 feet wide at the curb line or pavement edge and 18 feet wide at the outer or street edge of the sidewalk; residential double-type driveways shall be no greater than 36 feet wide at the curb line and 24 feet wide at the outer or street edge of the sidewalk.
- (2) Angular placement. The center line of the driveway may be parallel to the property line of the lot where access is required or at right angles to the curb line or pavement edge.

D. Prohibited driveways and/or filling.

- (1) 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 limits of any public road, highway or street in the Town of Vinland, except as permitted by this chapter. As used herein, the word "structure" includes private driveway, a portion of which extends into any public road, highway or street, and which is in nonconformance with this chapter.
- (2) No driveway shall be closer than 50 feet to the extended street line at an intersection. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
- (3) The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- (4) Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
- (5) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.

E. Culvert construction standards.

- (1) Size; placement.
 - (a) All culverts installed for residential or agricultural properties in the Town of Vinland shall be a minimum of 18 inches by 24 feet with end walls. The minimum culvert size for commercial properties shall be 18 inches by 40 feet. All culverts in excess of 24 feet shall be of a diameter greater than 18 inches based on length or shall be fitted with catch basin / clean out capability approved by the Town Board. All Culverts shall include end walls for safety purposes.

- (b) Each culvert shall be placed a minimum of 15 feet from the property line, when applicable.
- (c) One culvert is allowed per residential property. Culverts in excess of that number will require prior Town Board approval. (Exceptions are made for commercial and agricultural properties.)
- (d) Shared culvert/driveway access will be allowed for agricultural purposes, i.e., cropland, CRP or other government programs. Shared culvert/driveway access will be allowed on county or state roads where access is limited. However, no more than two residences shall be served by such access. Culvert length for this shared access shall be 18 inches by 40 feet. **The upsized diameter or cleanout provisions cited in paragraph 206-2 E (a) above shall apply to shared culverts.**
- (e) No building permit will be issued until culvert requirements are **set and the Town of Vinland, “Work in the Road Right-of-Way” permit fee has been paid.**
- (f) **Driveway and culvert permit fees are included in the “Work in the Road Right-of-Way” permit fee as prescribed in the current Town Fee Schedule, payable to the Town of Vinland.**

(2) Gauge.

- (a) The minimum wall thickness for galvanized steel or plastic pipe culverts shall be in accordance with the following:

Pipe Diameter

(inches)

Gauge

15 to 24

16

30 to 36

14

42 to 54

12

60 to 72

10

78 to 84

8

- (b) The class of reinforcement concrete pipe shall be in accordance with the following:

Height of Cover

(feet)

Class of Pipe

0 to 2

IV

2 to 3

III

3 to 6

II

- (3) Drainage. The culverts shall be placed in the ditch line at an elevation that will assure proper drainage.
- (4) Backfill material. Material used for backfill shall be of a quality acceptable to the Town Board and shall be free from frozen lumps, wood or other extraneous or perishable materials. The minimum cover,

measured from the top of the pipe to the top of the subgrade, shall be six inches.

- (5) Erosion control. Erosion control measures shall be implemented as necessary to control erosion or as directed by the Town Board.
 - (6) In situations where professional services are required to ensure proper drainage, erosion control or to comply with the Town of Vinland, Municipal Separate Storm Sewer System permit, the contracted services shall include provisions to ensure proper installation and shall sign off on completed work.
 - (7) Cost. The property owner shall be responsible for culvert installation and for the cost thereof, including any and all costs associated with professional services required to ensure proper installation.
 - (8) Appeal. Persons may request a variance from the culvert requirements of this chapter by filing a written appeals request with the Town Clerk, who shall place it as an agenda item for the next Board of Appeals meeting. The Board of Appeals may only waive the requirements for a culvert upon a finding that unique physical characteristics of the location in question render a culvert unnecessary.
- F. Enforcement. All costs incurred by the Town relating to the enforcement of this chapter or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineer's and attorney's fees. Such costs shall be payable in addition to the permit fee established in the current Town Fee Schedule. If a property owner refuses to comply with the chapter, the Town may install the culverts and charge back the cost or additional cost thereof as a special charge pursuant to § 66.0627, Wis. Stats.

§ 206-3 **Damage to Town road due to new construction/driveway.**

- A. The owner of a property where there is construction of a permanent structure and/or driveway is responsible for damages to the Town road, including financial responsibility to return the road to preconstruction condition as noted by a Town official prior to construction.
- B. This includes damage from entering/exiting the property from the Town road and includes damage 200 feet in either direction from the property entrance.
- C. A "Work in the Road Right-of-Way" permit shall be required before building a driveway and/or other permanent structure on properties bordering a Town road. The owner is only responsible for damage to the Town road within the distances stated above. However, this four-hundred-foot distance can be extended if the owner wants work done while weight limits are in effect on Town roads. A prior agreement would be needed from the Vinland Town Board to offset a road weight limit.
- D. An inspection of the road shall be completed by both the landowner and the Vinland Town Zoning Administrator and/or Vinland Town Supervisor before any construction begins. At that time, the current condition of the road will be documented and any road damage noted. This documentation will be agreed upon by the landowner and Town Supervisor. A final road inspection shall be completed by the landowner and Town Zoning Administrator and/or Town Supervisor before the occupancy permit can be issued.

§ 206-4 **Town Road Right of Way.**

- A. No excavating or boring or filling or changes of any kind shall be made to the Town right-of-way without first obtaining a “Work in the Road Right-of Way” permit from the Town of Vinland. An application for a permit shall include a detailed written description of the work to be performed along with a map of the work area.
- B. As defined in paragraph 206-2 D(1) above, driveways and required culverts are “structures” permitted to be located in the road right-of-way in compliance to requirements in this chapter. As such, the installation, replacement and maintenance of these “structures” requires a Town of Vinland, Work in the Road Right-of-Way permit.
- C. No person or corporation shall place refuse, yard waste or leaves in the or upon the Town road right-of-way.
- D. The placement of lawn sprinkler pipes in a road right-of-way is prohibited.
- E. No person or corporation shall wash out ready mix concrete trucks in or upon the Town road right-of-way.
- F. Objects placed in the Town road right-of-way must be properly marked and maintained per the Town of Vinland “Work in the Road Right-of-Way” permit so that it does not become a hazard to equipment used for Town operations.
 - a. An object includes, but is not limited to, telephone pedestals, road markers, survey stakes and any other object that may be struck by a weed mower or other equipment operated by the Town, with the exception of mailboxes.
 - b. Objects installed in the Town road right-of-way shall be fitted with a three (3) foot high marker by the person or organization that installed the object.
 - c. The ground area within two (2) feet of such marker shall be kept clear of weeds and brush by the person or organization that installed the marker.

206-5 **Enforcement and Penalties**

- A. Any person who shall violate any of the provisions of this chapter shall be responsible for a municipal civil infraction and be subject to the following penalties together with the costs of prosecution including the actual attorney fees incurred by the town. Each day’s failure of compliance shall constitute a separate violation. Successive days in violation shall constitute an offense.

<u>Offense Number</u>	<u>Fine</u>
a. 1 st Offense within 1 yr. period*	\$100 per day
b. 2 nd Offense within 1 yr. period*	\$200 per day
c. 3 rd Offense within 1 yr. period*	\$300 per day
d. 4 th Offense within 1 yr. period*	\$500 per day

* Determined from the date of the commission of the offense(s)