

DRIVEWAY/PRIVATE ACCESS ROAD PERMIT ORDINANCE

STATE OF WISCONSIN

Town of Pelican, Oneida County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Pelican Driveway/Private Access Road 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/private road access will protect properly the public health, safety, and general welfare of persons in the Town of Pelican, and to limit and regulate highway access by motor vehicles to any town highway 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 driveway/private access road 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 locations in the town.

SECTION IV – DEFINITIONS

In this ordinance:

- A. “Driveway/private access road” 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 highway and will provide vehicular access from the highway 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. “Impacted landowner” means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.
- D. “Prime or productive agricultural or forestry land” means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
- E. “Town” means the Town of Pelican, Oneida County, Wisconsin.
- F. “Town board” means the board of supervisors for the Town of Pelican, Oneida County, Wisconsin, and includes any designee of the board authorized to act for the board.
- G. “Town clerk” means the clerk of the Town of Pelican, Oneida County, Wisconsin.
- H. “Wis. stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI – COVERAGE

- A. No person may establish or construct a driveway/private road access or reconstruct, reroute, or alter the existing slope of any existing driveway/private road access or any town or other highway or highway right-of-way in the town in relation to the connection of the highway or highway right-of-way to a driveway/private road access, whether new or previously existing, without first obtaining a Town Driveway Permit to be issued by the town board.
- B. 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 VII – SPECIFICATIONS

Commencing on the effective date of this ordinance for new driveways/private road accesses being constructed and existing driveways/private road accesses not previously permitted, all driveways/private road accesses in the town for which a Town Driveway Permit is required under Section VI shall meet all of the following minimum requirements:

Minimum road surface width.....	12 feet
Minimum width clearance.....	24 feet
Minimum height clearance free of trees, wires, etc.....	18 feet
Maximum grade.....	10 percent (%)

At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 500 feet of driveway length to provide for the safe passage of meeting vehicles. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5% to prevent erosion onto the public road. An adequate roadbed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the town in considering an application for driveway approval. If culverts are required, the recommended minimum diameter shall be 18". At the dean end of all new driveways, a turnaround of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the driveway inspector. Illegal culverts will be removed at the landowner's expense.

SECTION VIII – APPLICATION AND PERMIT PROVISIONS

- A. The town board shall approve a form for application for 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 private access road and driveway locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first submit only a sketch plat. Once the town board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.

3. An Address Assignment Application from Oneida County
 4. (Optional) Soil/Slope Analysis.
 5. (Optional) Driveway/private access road Construction Plan.
 7. (Optional) Aerial Photo/Site Analysis.
- C. Procedures for the evaluation of the Town Driveway Permit Application
1. Driveway Permit Application and fee to be submitted to the Town Clerk
 2. The designee as the Driveway Inspector will review, inspect, and consult with owner prior to approving the application for the permit
 3. The Town Clerk will complete the permit and mail to the applicant for their records
 4. An Address Application submitted at the same time which will be forwarded to the county for address assignment when Driveway Permit has been approved
- D. The town board or the driveway inspector, the town board designee, 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 or highway access 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, bridge, culvert, or private access road, or any combination, when constructed, rerouted, reconstructed, or altered 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 or driveway inspector.
 4. Alternative driveway locations, bridges, culverts, and highway access 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 highway by motor vehicle.
 5. Alternative driveway locations or alternative private road access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
 6. Alternative driveway/private road access locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the town, including land adjacent to or near the proposed driveway.
 7. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.
- E. In the event of a denial of a Town Driveway Permit Application, the town board or driveway inspector shall provide in writing the particular facts upon which it bases its denial of the permit.
- F. The applicant shall notify _____ [designate town official] within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the town shall conduct an inspection of the driveway or highway access 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. See Schedule of Fees and Fines/Penalties for current permit fees

SECTION IX – CONSTRUCTION PLAN

- A. The town board or driveway inspector may require a driveway construction plan prior to any proposed driveway construction, reconstruction, rerouting, or alteration.
- B. The town board or driveway inspector may, when applicable, seek review and comment from the local fire chief, or his or her deputies, regarding the proposed driveway and whether the proposed driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premises.
- C. The preparation of a driveway construction plan does not guarantee the approval of a Town Driveway Permit by the town board or driveway inspector.
- D. As a condition of any Town Driveway Permit, the driveway shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.
- E. The approval of a Town Driveway Permit application by the town board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this ordinance. No person may rely on the issuance of a permit to determine that a driveway, bridge, culvert, or private road access location is fit or safe for any purpose or that any person is in compliance with this ordinance or any State or County laws or ordinance.
- F. The approval of the Town Driveway Permit does not establish or commit the town to future approval of any driveway/public road access as a public road or highway in the town.

SECTION XI – SEVERABILITY CLAUSE

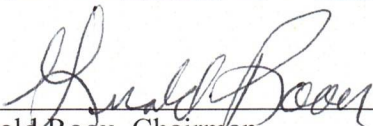
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance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

SECTION XII – EFFECTIVE DATE

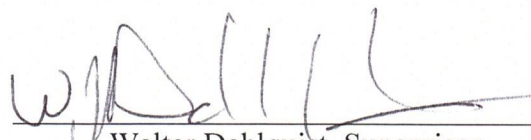
This ordinance is effective on publication or posting.

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


Adopted this 20th day of Dec., 2021.



Gerald Roou, Chairman



Walter Dahlquist, Supervisor



Dave Hollands, Supervisor

Attest: 

Mike Ring, Clerk