

TOWN OF RUSSELL
Bayfield County, Wisconsin

Resolution 08-2003

A Resolution Adopting an Ordinance
Regulating
Private Roads and Private Driveways

WHEREAS, The Town of Russell wants to promote the safety of all Town residents. In the event of an emergency, access to residences within the Town by fire truck, ambulance or other emergency vehicle is critical to protect the safety of people and property.

BE IT RESOLVED, That the Town Board of the Town of Russell, being duly assembled at a Regular Town Board Meeting on Tuesday, September 9, 2003, at the Town Garage Meeting Room, does hereby ordain as follows:

Section 1. Title: This ordinance is entitled the Town of Russell Private Road and Private Driveway Ordinance.

Section 2. Purpose: The purpose of this ordinance is to promote public safety by establishing minimum construction and maintenance standards for driveways and private roads in the Town of Russell which serve a primary building or an improved lot so that in the event of an emergency, such premises can be accessed by fire truck, ambulance, or other emergency vehicle.

Section 3. Definitions: When used in this ordinance, the following terms are defined as follows:

- a. Improved lot or improved parcel – shall mean and refer to a lot or parcel of land which is served by or has available electrical service or another utility or which is otherwise physically improved so that it is intended for, available for or capable of being a site for the location, erection or construction of a principal building or of being used or occupied by one or more persons.
- b. Person – shall mean and refer to an individual person as well as a partnership, corporation, limited liability company, as well as any other entity.
- c. Principal building – shall mean and refer to a building or other structure, which is intended for, suitable for or capable of being used for human occupancy. An accessory building is not a principal building.

- d. Private driveway – shall mean and refer to an improved or unimproved path, road, drive, way, or ground surface extending from a public street, public highway, public road or private road, which provides vehicular ingress and egress to one improved lot, improved parcel, or principal building.
- e. Private road – shall mean and refer to a privately owned and maintained road, drive, street, way or other improved or unimproved surface, not dedicated as a public road, public street, or public highway, which provides the primary means of vehicular ingress and egress from a public road, public street, or public highway to two or more improved lots, improved parcels or principal buildings.

Section 4. Standards: The following minimum construction and maintenance standards shall apply to private driveways and private roads in the Town of Russell:

- a. Minimum drivable surface: 12 feet for driveways and 16 feet for roads.
- b. Minimum width clearance: 24 feet.
- c. Minimum height clearance (area free of branches, wire and other obstructions): 18 feet.
- d. Minimum carrying capacity for bridges: 40,000 pound (20 ton).
- e. Maximum grade: As agreed upon by Town Board.
- f. An at least 25 feet in length by 18 feet in width segment of a private driveway or private road surface shall be provided for each 300 feet of private driveway or private roadway length to provide for safe passage of motor vehicles which meet traveling in opposite directions.
- g. Where a private driveway or private road intersects a public right of way, the portion of the private driveway or private roadway which is in the public right of way shall slope away from the public right of way at a minimum of 1% and a maximum of 5% to prevent/reduce erosion into the public right of way.
- h. A private driveway or private road shall have a base consisting of suitable gravel or other material to support anticipated traffic as well as a 20-ton truck.
- i. The private driveway or private road shall have such culverts as specified by the Town. Unless otherwise specified by the Town, each culvert required by the Town shall be at least 18 inches in diameter and 30 feet in length.
- j. The dead-end of each driveway or private road shall have a turn-around with a radius of at least 25 feet or another physical arrangement acceptable to the Town which permits a vehicle similar to a 20-ton truck to turn around.

- k. At the location where a private driveway or private road intersects a public highway, public road or public street, there shall be a visibility of at least 150 feet for approaching traffic from each direction.
- l. When a private driveway or private road intersects a public highway, public road or public street, it shall be in a perpendicular fashion.
- m. No private driveway or private road shall contain a curve or turn which is too sharp for a 20-ton truck to negotiate.

SECTION 5. Private Driveway or Private Road Required:

- a. No person shall erect, construct, place or allow the erection, construction or placement of a principal building on any lot or parcel of land in the Town unless such principal building is served by a private driveway or private road which complies with the requirements of this ordinance.
- b. No building permit shall be issued for the erection, construction, or placement of a principal building on any lot or parcel of land in the Town unless such lot or parcel of land is served by a private driveway or private road which complies with the requirements of this ordinance.
- c. No person shall improve a lot or parcel of land in the Town to make it an improved lot or improved parcel unless such lot or parcel of land is served by a private driveway or private road which complies with the requirements of this ordinance.

SECTION 6. Application for Permit. A person who desires to construct a private driveway or private road in the Town shall first:

- a. File with the Town Clerk a properly completed and signed application for a private driveway/private road permit on what is then the form approved by the Town Board and pay the Town Clerk the then current application fee.
- b. Blank application forms are available from the Town Clerk and may also be available from the County Zoning Office.
- c. The application fee is intended to help defray the administrative expenses associated with the application, inspection and approval process.
- d. After a properly signed and completed application for a private driveway/private road is filed with the Town Clerk with the required application fee, such application will be examined by the Town Clerk, the Town Board or designee.
- e. If the application is not complete or is not completed properly or is otherwise insufficient, it may be returned to the applicant to correct the deficiencies.

- f. If an application is determined to be properly completed and signed and the fee has been paid, The Town Board or its designee will inspect the site of the proposed private driveway/private road.
- g. After an inspection has been made, the Town Board, or its designee, may, if it determines it necessary, obtain additional information and perform additional inspections.
- h. The Town Board may approve the application, deny the application or approve the application upon such conditions, as the Town Board deems appropriate under the circumstances. The applicant will be informed in writing of the Town Board's decision.
- i. If the application is approved by the Town Board, any private driveway/private road which is constructed shall be constructed and maintained in accordance with the permit requirements.
- j. If the application is approved by the Town Board with conditions, any private driveway/private road which is constructed shall be constructed and maintained in compliance with the conditions placed on the permit.
- k. If the Town Board issues the applicant a permit for the construction of a private driveway/private road, the applicant has twenty-four (24) months from the date of issue within which to construct the same, or then the permit lapses.
- l. The Town Board or designee may:
 - 1. Order a person to apply to the Town for a permit for a private driveway/private road if a private driveway/private road has been constructed or it appears one is being constructed without the required permit.
 - 2. Order a person to cease and desist in constructing a private driveway/private road in the Town if such private driveway/private road is not being constructed in accordance with the permit, a condition of the permit, or this ordinance.
 - 3. Order a person violating this ordinance to comply with this ordinance.
- m. When the Town Board or its designee enters an order authorized by this ordinance, the recipient of such order shall promptly comply with the same.
- n. If the applicant is aggrieved by the decision of the Town Board or its designee, the applicant's remedy is in certiorari.

SECTION 7. Application Form: The Town Board will, from time to time, adopt an application form for persons to complete to apply for a private driveway/private road permit. The Town Board will, from time to time, set the amount of the application fee to be paid by each applicant.

SECTION 8. Violations

- a. any person who violates any term or provision of this ordinance may be required to:
 - 1. Cease and desist in such violation.
 - 2. Do what ever is required to comply with the terms of this ordinance.
 - 3. Forfeit not to exceed \$100.00 for each violation plus court costs and disbursements.
- b. Each day this ordinance is violated constitutes a separate violation.
- c. A person violating this ordinance may be required to pay or reimburse the Town for its actual reasonable attorney fees, costs and disbursements associated with enforcing this ordinance.

SECTION 9. Effective Date: This ordinance shall be effective upon its passage and publication.

Adopted this 9th day of September in the year 2003.

Paul "Rocky" Tribovich, Chair

Ray DePerry, Supervisor

Don Sullivan, Supervisor

Bernard Meierotto, Supervisor

Leon F. Basina, Sr., Supervisor

Attested by: _____
David L. Good, Clerk/Treasurer