

# TOWN OF KINNICKINNIC, WI

## Road and Driveway Ordinance

Ordinance No. 2020-3

Ordinance Dated: Nov 10, 2020

**(1) STATEMENT OF PURPOSE**

The purpose of the Road and Driveway Ordinance (the "Ordinance") is to establish procedures and standards for constructing roads and driveways within the Town of Kinnickinnic and to supplement County road standards. These design standards are to promote the orderly layout of Town roads and mapping of same for continuation in and connection with the Town road system.

**(2) AUTHORITY**

(A) These regulations are adopted under the general police powers authority granted pursuant to Wisconsin Statutes 86.07(2), 60.10(2)(c), 60.22(3), 61.34(1), 66.0425 and under the Town Highway authority granted by Wisconsin Statute Ch. 82.

(B) Any amendments, repeals or recreations of the statutes relating to this ordinance are incorporated into this ordinance by reference as of the effective date of the amendment, repeal or recreation.

**(3) JURISDICTION**

(A) This ordinance 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 Kinnickinnic, St. Croix County, Wisconsin.

(B) Specific driveway standards set forth by this ordinance apply only to those segments of driveways located within a town road right-of-way.

(C) Notwithstanding anything to the contrary contained herein, specific driveway standards for areas located outside the Town road right-of-way shall not apply to existing driveways which were approved prior to the date of this ordinance.

(D) Driveways accessing on to county, state or federal highways must obtain approval of the proper regulating authority for those roads for a driveway permit and are exempt from obtaining a driveway permit from the Town of Kinnickinnic.

(E) This ordinance applies to all town roads, including existing and proposed roads and all construction and maintenance of such roads, under the jurisdiction of the Town of Kinnickinnic, St. Croix County, Wisconsin.

**(4) TOWN AND COUNTY ORDINANCES**

This Ordinance shall be in addition to and supplement the Town of Kinnickinnic Subdivision Ordinance, the Town of Kinnickinnic Roadside Maintenance Ordinance and the St. Croix County Zoning and Subdivision Ordinances as they apply to road and driveway standards and installation within the Town. Where the provisions of this ordinance and the other ordinances listed above conflict, the more restrictive provisions shall control. Designs and standards not addressed in this ordinance, but addressed in the other ordinances, shall be applied by the Town.

**(5) SEVERABILITY**

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

## (6) DEFINITIONS

### (A) Interpretation

- (1) Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
- (2) The word "shall" is mandatory, not permissive.
- (3) All distances, unless otherwise specified shall be measured horizontally.
- (4) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

### (B) Definitions

- (1) **Driveway:** A private way, road, or other avenue of travel that runs through any part of a private parcel of land or 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 appropriate use.
- (2) **Field Access or Agricultural Access:** A type of access used solely to access land for agricultural use.
- (3) **Temporary Access:** An access that may be placed for a specific purpose such as logging, but which must be removed at the end of the allocated timeframe.
- (4) **Construction Access:** An access that may be placed for construction purposes, but which must be removed at the end of the allocated timeframe.
- (5) **Limited Use Access:** An access that may be placed for a specific non-residential or non-agricultural purpose such as for a cemetery, natural gas valving station, wayside, or a fishing access.

## (7) GENERAL INFORMATION

(A) The cost of Town plan review, including engineering, legal and administrative fees, shall be at the owner's/developer's expense.

(B) All construction materials shall meet the minimum specifications of this Ordinance.

(C) The cost of testing materials and inspection of construction (including pre-construction and post-construction inspection) shall be at the owner's/developer's expense.

(D) The Town Board may request a deposit, and/or periodic installment payments, to cover anticipated plan review, testing and inspection expenses.

(E) Any party who damages a Town Road shall repair it to its original condition, and shall be responsible to pay for all associated costs incurred, including construction costs and Town staff costs related to the damage.

(F) For Town Road reconstruction, maintenance or repair projects being undertaken by the Town and under the supervision of the Town Engineer, the Town Board may waive certain road standards which apply to new roads, provided that the pre-existing road already functions in an acceptable manner, and the strict enforcement of the road requirements for a new road is not deemed to be necessary by the Board in order to ensure the health, safety and welfare of the residents. In such cases, a waiver from the standards will not be required.

(G) Construction of new private roads is not permitted in the Town. Similarly, extension or widening of existing private roads is not permitted in the Town. Pre-existing private roads which were created prior to the date of this Ordinance are allowed to remain in place.

## (8) TOWN ROAD STANDARDS

(A) Road standards for the Town of Kinnickinnic shall be as listed in Section 13.7 of the St. Croix County Land Division Ordinance.

(B) The road system shall be designed to meet the following objectives: to permit the safe, efficient, and orderly movement of traffic; to meet the needs of the present and future population with a simple and logical pattern; to respect natural features and topography; and to present an attractive appearance.

(C) In the course of CSM or subdivision review, the Plan Commission may designate roads as arterial, collector, subcollector or access roads. This decision shall be based upon County or Town plans for road networks.

(D) The Plan Commission may require any road to be constructed to the boundary of the subdivision, either by requiring dedication of an easement for future road construction, or by requiring road construction to extend to the boundary of the subdivision. The Plan Commission may also require a conceptual layout plan of future development on adjacent property, so as to determine how the immediate development plan will fit with the long range development plan for adjacent areas. Other requirements may include special setbacks, screening, buffers and limitation of access along such roads. The Plan Commission shall require proof that the sub-divider has given written notice of the proposed locations of the roads to owners of all adjoining lands prior to any hearing on an application for permit, authorization or approval to which this Ordinance applies.

(E) The number of intersections along arterial, collector and subcollector roads shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than 1,000 feet along these roads.

(F) Road jogs with centerline offsets of less than 150 feet shall not be permitted.

(G) Not more than two roads shall intersect at one point.

(H) Subcollector and access roads shall be designed and constructed in accordance with the following standards:

- (1) 66-foot minimum right-of-way width.
- (2) 31-foot minimum road width before gravel or base course.
- (3) 27-foot road width after base course.
- (4) 22-foot surface excluding shoulders.

(5) 12-inch sub-base of clean sand, measured after being compacted.

(6) 6-inch base of crushed limestone or 7-inch base of Wisconsin grade #2 gravel, measured after being compacted.

(7) Decomposable material shall not be used for construction.

(I) The intersection angle of a driveway to a road, and a road to a road, shall not be less than 75 degrees as measured from the centerline of the road or driveway to the right-of-way of the intersecting road or driveway.

(J) The Town will require vision triangles at intersections, as described in Section 17.6 of the St. Croix County Code of Ordinances.

(K) The creation of narrow strips of land between the road and the subdivision boundary (spite strips) shall not be permitted except where the adjacent parcel can be connected to the road under conditions satisfactory to the Town Board.

(L) All lots or parcels shall have street frontage on a public road, or shall be accessible by easement to a public road. Any parcel that is proposed to have a residence constructed upon it shall meet the requirements of access to a public road, the same as for a lot. Up to a two lot minor subdivision may be permitted with a shared driveway located in an easement, where the easement connects the lots to a public road, provided that a shared driveway agreement is approved by the Town Board, and provided that St. Croix County also approves.

(M) Dead end roads and loop roads shall not exceed 1,000 feet and 1,200 feet in length respectively, unless otherwise provided for in the Town's Master Transportation Plan. The total length shall be measured from the centerline of the intersecting road to the center radius point of the cul-de-sac or loop road. The Town may require that a provision be made for the extension of the dead end road to the boundary of the subdivision for reasons such as preventing a parcel from losing access to any road, or relieving heavy traffic on an adjacent feeder road. This will be in addition to the requirement that arterial and collector roads be built to the boundary of the subdivision. The Town's Master Transportation Plan is a planning tool only, any future roads shown on the Plan do not encumber the land, and the Plan may be modified from time to time by the Town Board as they see fit.

(N) A dead end road serving three or more lots shall have a cul-de-sac turn-around. The minimum right-of-way radius shall be 80 feet for a cul-de-sac with an island, and 60' for a cul-de-sac without an island. The traveled way within the cul-de-sac shall have a minimum radius of 49 feet for a cul-de-sac without an island, and 71' for a cul-de-sac with an island. Those parts of a temporary turn around that are outside of a road right-of-way shall be transferred to the abutting lot owners by way of a Quit Claim Deed (or similar instrument) at such time as the road is extended.

(O) Cul-de-sacs shall be designed and constructed such that drainage is directed away from any center islands which may be located in the cul-de-sac. The Town shall review and approve all cul-de-sac plans. As a condition of the approval, the Town may require certain drainage measures to be incorporated into the project, such as culverts, drain tile, catch basins, or curbing.

(P) The planning, location and designations of roads in an area shall not allow the continuation of traffic from residential developments directly into commercial or industrial developments or vice versa.

(Q) A road serving three or more lots must be designed and built to Town standards, and dedicated to the Town.

(R) No final plat of a subdivision shall be approved until the roads have been fully completed and dedicated to the Town.

(S) Road and driveway standards for Conservation Design are found in the Town Subdivision Ordinance and the St. Croix County Ordinance, Section 13.7 K, and where applicable replace the standards in this Ordinance.

## **(9) ROAD NAME STANDARDS**

(A) Road naming standards will follow the requirements listed in Section 13.7 of the St. Croix County Land Division Ordinance. In addition, the Plan Commission must approve the naming and/or numbering of roads.

(B) Where a road maintains the same general direction except for curvilinear changes for short distances, the same name shall be used for the entire length of the road.

(C) A road which is not presently a through road due to intervening land over which a road extension is planned shall use the same name for existing and planned sections.

(D) The name of the projection of a road shall use the same prefix as the road even if the projection terminates in a cul-de-sac.

## **(10) RURAL ADDRESS SIGN PLACEMENT**

(A) Placement of rural address signs within the town road right-of-way shall meet the following standards:

(1) Address signs shall be placed on the right side of the driveway, when facing the driveway from the road and at the highway right-of-way line.

(2) The address sign shall be kept clear of obstruction and shall be placed parallel to the road for visibility in both directions.

## **(11) MAILBOX AND NEWSPAPER BOX PLACEMENT**

(A) Placement of mailboxes or newspaper boxes within the town road right-of-way shall meet the following standards:

(1) All mailboxes or newspaper boxes must meet the United States Postal Service regulations.

(2) Mailboxes and newspaper boxes shall be placed so the front of the box is aligned with the outside edge of the gravel shoulder.

(3) The bottom of the mailbox shall be between 41 and 45 inches above ground level.

(4) All mailboxes and newspaper boxes shall be placed on the same post to avoid unnecessary posts where possible.

(5) Mailboxes serving neighboring houses shall be grouped together where possible.

(6) Mailbox posts should be constructed to break away at impact. Acceptable standards include:

- (a) Pipes two inches inside diameter or less.
- (b) Square wood supports four by four inches or less; round wood posts 4 ½ inches or less in diameter.
- (c) Metal channel posts not more than two pounds per foot in weight.
- (d) Imbed supports no more than 24 inches into the ground and do not imbed in concrete.
- (e) Do not use anchor plates with metal posts. Anti-twist flanges are acceptable as long as they do not project more than 10 inches into the ground. These should be attached to the metal post or pipe with 2 3/8 inch muffler clamps.

(B) Mailboxes and newspaper boxes should be exposed 15 feet on each side during the snow season.

## (12) PAVEMENT STANDARDS

(A) All public roads serving three (3) or more lots must be paved and meet Wisconsin DOT Superpave design Mix Type E1 standards or their equivalent, as modified from time to time by the Wisconsin DOT.

(B) Roads shall have a minimum asphalt pavement thickness of 3 inches, installed in two lifts.

(C) New roadways shall be constructed such that the final lift of bituminous pavement is delayed until after the bituminous base course has experienced one full winter freeze/thaw cycle. However, the final lift of bituminous pavement shall be installed prior to a maximum delay of one year after the installation of the bituminous base course. Town roads being reconstructed or repaired by the Town shall be exempt from the requirement to delay the wear course until the following year.

(D) During road construction, the Town shall inspect the condition of the road at certain points and any necessary settlements or other repairs shall be made to the Town's satisfaction prior to moving forward with the next step of construction. Such inspections shall be made prior to placement of the gravel road base, prior to the placement of the bituminous base course, and prior to the bituminous wear course.

(E) For new roads, a one year warranty shall be provided by the contractor, beginning on the date that the Town Board accepts the final lift of bituminous and deems the project complete. The warranty shall be secured by an irrevocable Letter of Credit or other acceptable surety, in an amount to be determined by the Town, and in a form approved by the Town Engineer and Attorney. The Letter of Credit shall be in an amount reasonably anticipated to assure funds are available to repair any defects. The Town must have ready access to the Letter of Credit funds in the event the Town, in its discretion, determines there has been a breach of the warranty. Prior to the expiration of the one year warranty, the Town shall inspect the condition of the project, and any repairs identified by the Town shall be made by the Contractor to the Town's satisfaction.

## (13) ROAD CROWN STANDARDS

(A) The center of the road on paved surfaces should be a minimum of 2 1/2 inches higher than the outside edge of paving.

(B) At the discretion of the Town Board, upon recommendation of its engineer, roads which the Town Board considers steep (any slope gradient in excess of 5%) may require a higher crown and/or curbing along the edges of the road to lessen the impact of downhill water drainage.

**(14) SHOULDER STANDARDS**

- (A) Shoulders shall extend a minimum of 2 feet beyond edge of pavement, and shall be sloped to drain away from the pavement at a 4 percent grade.
- (B) Shoulders shall be excavated to the same depth as the road and use the same sub base as the road.
- (C) A minimum 6 inch thickness of gravel or crushed rock that drains well shall be used on shoulders.

**(15) DITCH STANDARDS**

- (A) The ditch must be at least two feet below the edge of pavement elevation.
- (B) There shall be a smooth transition to the ditch.
- (C) Fore slopes shall be 4:1 standard or 3:1 maximum within 3 feet of road surface; 2:1 maximum on fills below the top 3 feet of roadbed.
- (D) There shall be back slopes 4:1 or flatter desirable; 2:1 maximum.
- (E) Ditches shall have a 1% gradient or greater where feasible for proper water flow. The minimum ditch gradient shall be ½%.
- (F) Riprap or other permanent engineer recommended products shall be used to slow water flow on steep slopes.

**(16) ROADWAY CULVERT STANDARDS**

(A) A culvert must be strong enough to support the fill material above it and the traffic that moves over it, and must meet minimum specifications as listed in the State of Wisconsin Standard Specifications for Highway and Structure Construction, current edition. Acceptable materials include reinforced concrete pipe, corrugated metal pipe, and corrugated high-density polyethylene (HDPE) pipe.

(B) HDPE (plastic) pipe shall meet the following minimum standards:

(1) Material standards:

- (a) Dual-Wall Corrugated Polyethylene Pipe (HDPE).
- (b) WisDOT 520.2.
- (c) ASTM F2306, ASTM F477, ASTM D3212, ASTM F2487.
- (d) AASHTO M294, Type S.
- (e) Steel apron endwalls meeting AASHTO M36.

(2) Installation standards:

- (a) WisDOT 520.3.



(b) ASTM D2321.

(c) Trench width shall be as wide or wider than the pipe outside diameter plus 16 inches or the pipe outside diameter times 1.25 plus 12 inches, whichever is wider.

(d) Use ASTM D2487 Class IA, Class IB or Class IC granular material compacted using hand tampers and vibratory compactors for foundation, bedding, haunching, initial backfill and final backfill.

(e) Install and compact minimum 6 inch foundation material for replacing over-excavated and unstable trench bottom.

(f) Install and compact bedding material to a minimum depth of 4 inches.

(g) Install and compact haunching to springline of pipe in 6 inch maximum layers, working around pipe by hand to provide uniform support.

(h) Install and compact initial backfill in 6 inch maximum layers to a minimum of 6 inches above pipe crown.

(i) Install and compact final backfill in 6 inch maximum layers to final grade.

(j) Mechanically compact the upper 3 feet of the trench to 100% Standard Proctor Density.

(k) Mechanically compact under the upper 3 feet of the trench to 95% Standard Proctor Density.

(C) Culverts shall be covered with at least 12 inches of soil from the top of the pipe to the bottom of the gravel base.

(D) A culvert must have sufficient hydraulic capacity to carry an acceptable predetermined quantity of water in a given time. This quantity will be determined by the Town Board based upon recommendation of its engineer.

(E) The minimum diameter of roadway cross culverts shall be 18 inches.

(F) Culverts must slope enough such that the water flow will be not less than 2 1/2 feet per second. The minimum drop shall be 6 inches.

(G) Headwalls, if used, must not project above the level of the roadway surface.

(H) Culverts shall match existing contours and, where possible, be placed in the existing channel.

(I) Flared end sections must be installed on both ends of all culverts.

(J) Culverts shall be installed so as to not create an erosion problem. See State of Wisconsin Standard Specifications for Highway and Structure Construction, current edition.

## (17) DRIVEWAY PERMIT REQUIREMENTS

(A) All new driveways proposed to be installed or a modification of any existing driveway shall require a permit and inspection by the Town Board's representative. No construction work shall commence on a driveway prior to obtaining a permit.

(B) The driveway permit shall be obtained before the building permit is issued for a new residence.

(C) Existing driveway surface maintenance, repair or paving does not require a driveway permit.

(D) The Town Board shall appoint or contract with a Town Board representative for driveway design review, inspection and approval.

## (18) DRIVEWAY PERMIT APPLICATION AND PROCEDURES

(A) The Town Board or Town Board representative shall review all driveway permit applications and approve and issue all driveway permits. Driveways to a single property shall be approved by the Town Board representative. Joint driveways to two properties shall be approved by the Town Board.

(B) Driveway permit applications shall be available from the Town Building Inspector. The driveway permit application shall include the following information:

(1) Applicant name and contact information.

(2) Property owner name and contact information, if different than the applicant.

(3) Property information such as site address, legal description, town road,

(4) Project information such as type of driveway, driveway location, town road, and proposed construction plan and dates.

(5) A site plan or sketch, which shall include the following information:

(a) North arrow.

(b) Parcel or lot dimensions.

(c) Existing and/or proposed buildings.

(d) Proposed driveway location.

(e) Locations of existing driveways on neighboring properties within 300 feet of the proposed driveway.

(f) Road name(s) and locations to lot or parcel and driveway.

(g) Driveway specifications including width, length and materials to be used.

(h) Culvert size, length and location, if needed.

(i) Drainage areas that impact or cross the driveway and descriptions of how water will be handled to protect the integrity of the driveway.

(j) Slopes of 20 percent or greater that the driveway will disturb or cross and descriptions of how erosion will be prevented and/or sediment controlled.

(6) Contact information for whoever will be constructing the driveway.

(C) The application shall be signed by the property owner.

(D) The applicant shall mark the proposed driveway location with flags and/or stakes. The proposed centerline of the driveway surface shall be marked.

(E) All applicants shall pay a non-refundable permit review and inspection fee of an amount set by the Town Board. The fee amount shall be sufficient to cover the cost of driveway design review and inspection by the Town Board's designated representative and the cost of processing the permit.

(F) The application and site plan or sketch shall be reviewed by the Town Board representative for conformance with this ordinance.

(G) Within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall approve or deny the issuance of a driveway permit for a single property.

(H) For joint driveways, within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall make a recommendation to approve or deny to the Town Board. The Town Board shall review and may take action to approve or deny the issuance of the joint driveway permit at the next regular Town Board meeting.

(I) The Town Board or Town Board's representative may require a final inspection to confirm the driveway construction is in conformance with the driveway permit and this ordinance.

(J) The driveway permit shall be valid for one year from the date of issue. All approved construction must be completed before the permit expires.

(K) If an access is properly constructed into a vacant lot as part of a road project or development, and said access is approved as part of that development, then an access or driveway permit is not needed when a building permit is pulled for that lot.

## (19) DRIVEWAY STANDARDS

(A) The following requirements apply to new driveways as well as alterations to existing driveways. For the purposes of this ordinance, the term driveway includes accesses to non-residential properties and vacant residential properties. Building Permits and Occupancy Permits will not be issued by the Town unless all driveway requirements are met.

(B) All driveways shall be designed and maintained by the owner(s) to allow reasonable access by emergency vehicles. Based on standards recommended in the International Fire Code, every driveway should have 12 feet of driving surface, 14 feet of road base width, 20 feet of horizontal clearance and 13.5 feet of vertical clearance to allow ingress and egress by emergency vehicles. Utility companies recommend 18 vertical feet of clearance. Driveway owners are responsible for trimming trees and bushes to maintain clearances for emergency access.

(C) The Roadside Maintenance Ordinance shall be followed with respect to the segment of each driveway that falls within the Town's right-of-way. Sight distance at a driveway where it intersects a road shall be a minimum of 400 feet in both directions along the road.

(D) Driveways shall have a minimum road base width of 14 feet and a maximum road base width of 20'.

(E) Driveways shall have a minimum driving surface width of 12 feet, and a minimum driving surface of 6 inches of crushed rock.

(F) Driveways shall have a slope no greater than 12%.

(G) Driveways shall have the first 20 feet from the edge of the road be near level, but slightly lower than the road, to allow for water drainage. Within 50 feet from the centerline of the road, the driveway shall have a maximum slope of 2%.

(H) Driveways shall intersect with town roads at not less than a 75 degree angle, except inside cul-de-sacs where drives are to be oriented toward the cul-de-sac center.

(I) Driveway separation from intersecting roads, and minimum distance between driveways, shall be in accordance with Section 17.6 of St. Croix County Land Use and Development Code of Ordinances.

(J) Driveways shall be placed no closer than 10 feet from the lot line, as measured from the lot line to the nearest edge of the surface mat. This distance may be reduced to 5 feet on cul-de-sacs or the curve of a loop road. Exception is shared driveways which may be constructed on the common lot line.

(K) Driveways must meet local fire department requirements for width, vehicle support, minimum turning radius and clearance for emergency vehicles. Driveways over 300 feet in length which terminate at a dead end must have a turn-around area equivalent to a 90 foot diameter area sufficient for turn-around of a tandem axle truck. Loaded tanker trucks typically weigh at least 25 tons. Any costs related to damage of fire trucks or towing charges due to lack of driveway maintenance or substandard driveway construction will be added to the fire charges from the Town.

(L) Prior to occupancy, driveways must be finished with compacted road gravel, stone, or any acceptable paved or layered surface.

(M) All driveways shall have culverts unless the Town waives the requirement due to the driveway being located on a high point or otherwise having no drainage flow. Driveway culverts must:

- (1) Have a minimum diameter of 15 inches.
- (2) Be installed at the same grade as pre-existing ditch grades.
- (3) Be adequate for drainage.
- (4) Be able to carry a weight load of at least 25 tons.
- (5) Have a minimum length of 24 feet with apron end walls.
- (6) Corrugated metal culverts shall be 16 gauge up to 24-inch diameter.
- (7) Corrugated metal culverts shall be 14 gauge above 24-inch diameter.
- (8) HDPE (plastic) driveway culverts must meet the following material standards:
  - (a) Dual-Wall Corrugated Polyethylene Pipe (HDPE).
  - (b) WisDOT 520.2.
  - (c) ASTM F2306, ASTM F477, ASTM D3212, ASTM F2487.
  - (d) AASHTO M294, Type S.

(e) Steel apron endwalls meeting AASHTO M36.

(9) Not be previously used.

(10) Be elliptical where ditch depths are insufficient to install round culverts.

(11) Driveway culverts shall be installed and maintained by the property owner.

(12) Unless limited by the depth of the ditch, culverts shall have at least 1 of cover below the finished driveway surface. The use of HDPE (plastic) culverts is prohibited unless a minimum of 1' finished cover is possible.

(13) HDPE (plastic) driveway culverts must meet the following installation standards:

(a) WisDOT 520.3, for private entrances and temporary culverts.

(b) ASTM D2321.

(c) Trench width shall be as wide or wider than the pipe outside diameter plus 16 inches or the pipe outside diameter times 1.25 plus 12 inches, whichever is wider.

(d) Use ASTM D2487 Class IA, Class IB or Class IC granular material compacted to a minimum density of 85% Standard Proctor Density using hand tampers and vibratory compactors for foundation, bedding, haunching, initial backfill and final backfill.

(e) Install and compact minimum 6 inch foundation material for replacing over-excavated and unstable trench bottom.

(f) Install and compact bedding material to a minimum depth of 4 inches.

(g) Install and compact haunching to springline of pipe in 6 inch maximum layers, working around pipe by hand to provide uniform support.

(h) Install and compact initial backfill in 6 inch maximum layers to a minimum of 6 inches above pipe crown.

(i) Install and compact final backfill in 6 inch maximum layers to final grade.

(N) The Town may periodically inspect driveway culverts and notify owners of needed maintenance, repairs or replacement.

(1) Property owner will be responsible to accomplish and pay for any maintenance, repairs or replacement.

(2) If the resident does not complete the repairs within 2 months of notification, the Town will have the work done and the cost shall be certified to the County tax roll for payment by the resident.

(O) If a failed driveway culvert results in damage to Town right-of-way or adjacent properties, the owner of the culvert will be held responsible for all repair costs.

(P) When the Town undertakes road reconstruction projects, the following policies shall govern:

(1) Any necessary driveway culvert repairs or replacements along the reconstructed road (due to a deteriorated or clogged culvert) will be installed by the Town, and the resident will pay for the culvert materials. If the resident does not pay the cost within 2 months of notification, the cost shall be certified to the County tax roll for payment.

(Q) Agricultural, limited use, temporary, and construction accesses located off Town roads shall meet the following specifications:

(1) Agricultural and Limited Use Accesses

- (a) Must have a sight distance of at least 400 feet in each direction along the intersecting road.
- (b) Location and design must have Town Board approval.
- (c) Cannot be used for residential purposes unless complies with this Ordinance and a permit is obtained for such residential purposes.
- (d) May serve more than 1 lot or parcel used solely for Agricultural or Limited Use purposes.
- (e) The Town driveway permit will state "Agricultural Access", or "Limited Use Access", as appropriate.
- (f) Shall have a culvert meeting driveway specifications.
- (g) Maximum width shall be 40 feet.

(2) Construction and Temporary Accesses

- (a) Construction access must be installed prior to starting construction on the site. If the permanent driveway is installed instead of a construction access, the driveway must meet the standards of this Ordinance and be able to support all construction traffic.
- (b) Must meet local fire department requirements for minimum turning radius and clearance for emergency vehicles.
- (c) Accesses to construction sites shall comply with the Wisconsin Uniform Dwelling Code for residential property, the State Commercial Building Code for commercial property, and any other requirements deemed necessary and peculiar to specific site needs as determined by the Building Inspector.
- (d) A minimum 50 foot tracking pad shall be installed as part of any construction access.
- (e) Temporary accesses shall be used for a period of not longer than six (6) consecutive months unless a longer time is approved by the Town Board. One extension of six (6) months may be granted by the Town Board. Thereafter a new permit shall be required.
- (f) At the expiration of the temporary access permit, the culvert and temporary access shall be immediately removed and the ditch and right-of-way be graded and seeded.

(g) The Building Inspector shall be notified of the temporary access/culvert removal, site seeding and permanent stabilization. The Building Inspector shall then inspect same to verify compliance.

(h) If the permit holder fails to remove the culvert and permanently stabilize the site following written notification, the Town will perform the work to put the site in its original condition and all costs, including administrative, legal and engineering, shall be charged to the owner of the property for which the Temporary or Construction Access permit was issued. If the permit holder does not pay the cost within 2 months of notification, this charge shall be placed on the tax roll as a special charge against the premises.

(R) The Town may require a letter of credit or cash deposit, in form and amount approved by the Town Board and its engineer and attorney, in amount reasonably sufficient to ensure compliance with the construction requirements of this Ordinance.

(S) Shared driveways shall have a maximum width of 33 feet, shall serve no more than two (2) lots or parcels and shall not be future town roads. The driveway requirements established under this Ordinance apply. The Town Board may require a wider easement at its discretion. A Shared Driveway Agreement approved by the Town Board shall be required for all shared driveways. A Shared Driveway Agreement shall be recorded against the properties at the Register of Deeds Office to prevent misunderstandings and failure to communicate between the property owners.

## (20) WAIVER OR APPEAL

(A) Where in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper. No waiver to the provisions of this Ordinance shall be granted unless the Town Board finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

### (1) Exceptional Circumstances.

(a) There is an exceptional, extraordinary or unusual circumstance or condition where a literal enforcement of the requirements of this Ordinance would result in severe hardship.

(b) Such hardships shall not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.

(c) The waiver will not create a safety concern or have a negative impact on adjoining properties.

(2) Preservation of Property Rights. The waiver is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(3) Absence of Detriment. The waiver will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance of the public interest.

(B) Procedure for obtaining a waiver or appeal from this Ordinance.

(1) A written request shall be submitted to the Town by the property owner seeking the request for a waiver from the provisions of this Ordinance. The request must state the reason for the waiver or appeal and how they will meet the intent of this Ordinance without

creating a safety issue or achieve comparable design effects using an alternate design not addressed in this Ordinance.

(2) All adjoining property owners shall be notified in writing of the appeal or request for waiver of compliance with this Ordinance. All adjoining property owners or anyone directly affected by the waiver of appeal request shall have the right to be heard at the public meeting.

(3) The applicant shall submit a Site plan or location map showing where the site, parcel or lot is located together with a design plan showing alternative design.

(C) Modification. The Town Board may grant modifications to the requirements of this Ordinance with such conditions as the Board may require on a case by case basis.

## **(21) MOVING BUILDINGS ON ROADS**

No person shall move a building over any Town road in the Town of Kinnickinnic without first depositing with the Town Clerk an irrevocable Letter of Credit payable to the Town to secure payment for any damage to Town roads. The Letter of Credit amount will be based on the Town Fee Resolution, and will be payable to the Town to secure payment for any damage to Town roads.

## **(22) OBSTRUCTIONS IN THE RIGHT-OF-WAY**

(A) Under the authority of Wisconsin Statute 86.03, the Town of Kinnickinnic may remove trees within the Town road right-of-way if the Town determines the tree(s) presents a public health or safety hazard. No compensation will be provided to the property owner.

(B) The right-of-way of all Town roads must remain clear of any obstructions which impede adequate vision and road and ditch maintenance including but not limited to retaining walls, fences, shrubs, etc.

(C) Vehicle parking is not permitted within Town Road right-of-way except for special limited events. Vehicles may not remain parked within Town Road right-of-way for more than 24 hours.

(D) The Town has a Roadside Maintenance Ordinance which shall be followed in all matters related to roadside maintenance.

## **(23) DEBRIS ON HIGHWAYS**

No person shall cause to be deposited or left on any Town Road any litter or debris including, but not limited to: construction debris or residue, concrete hauled to or from a premises, mud or dirt from machinery or vehicles, tires, brush and agricultural products. Responsibility for immediate clean-up and proper disposal of such debris or litter shall lie both with the person leaving said litter or debris, namely, the person or entity operating a vehicle or machinery which is involved in the deposit or littering, as well as the owner of the premises from which the debris originated.

## **(24) ENFORCEMENT AND PENALTIES**

(A) Any person, firm, corporation or other entity that constructs or modifies any driveway without a permit as required by this Ordinance or otherwise violates this Ordinance shall be subject to a penalty of \$100, plus all applicable assessments, surcharges and court costs.



(B) Each day a violation occurs or continues shall be deemed a separate violation and shall subject the offender to separate penalties.

(C) Any person who constructs or modifies a driveway in violation of any other provisions of this Ordinance, unless the violation is corrected within thirty days of date of written notice from the Town Board or Town Representative or Building Inspector, shall forfeit \$100 plus all applicable assessments, surcharges and court costs for each violation.

(D) An unlawful driveway in violation of this ordinance constitutes a safety hazard or public nuisance and may be subject to removal.

(E) If the Town Board determines that removal or correction to the driveway is necessary to satisfy this ordinance, the Town Board may cause the removal or required corrections to be made. The cost of such repairs, corrections, restoration or removal will be charged to the property owner as provided in 86.02 of the Wisconsin Statutes. The Town's direct and indirect costs may include but are not limited to engineering, legal, administrative, materials, construction and demolition expenses. Should the landowner fail to pay the penalty and/or repair, correction, restoration or removal costs, a special charge may be imposed against the real property of the property owners as provided in 66.0627 of the Wisconsin Statutes.

(F) Deposit of litter or debris on town roads or town property and failure of the violator to immediately clean up such litter or debris shall be considered a violation of this ordinance.

(G) The Town Board may set fines and penalties for the unlawful deposit of litter or debris. Each site where litter or debris is deposited shall constitute a separate offense.

**(25) REPEAL OF PRIOR ORDINANCES**

The following are hereby rescinded: Ordinances (3)(B) and 1(5)(3) amending Zoning Ordinance No. 1 and adopted November 6, 1973, Road Damage Bond Requirement adopted 11/1973, Ordinance 2004-4 adopted October 5, 2004, "Dedication of Roads to the Town of Kinnickinnic" Ordinance adopted October 3, 1989, Ordinance 2008-1 adopted March 4, 2008, and Ordinance 2013-4 adopted July 11, 2013.

**(26) EFFECTIVE DATE.** This Ordinance shall take effect upon passage and posting.

TOWN OF KINNICKINNIC

  
\_\_\_\_\_  
Gerald Olson, Chair

Attest:   
\_\_\_\_\_  
Nicky Thompson, Clerk

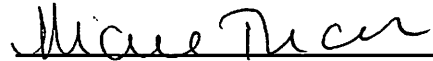
**ORDINANCE CERTIFICATION**

I, Nicky Thompson, being the Town Clerk of the Town of Kinnickinnic, St. Croix County, Wisconsin hereby certify that on NOV 10, 2020, Ordinance No. 2020-3, a true and accurate copy of which is attached, was duly enacted by the Town of Kinnickinnic, St. Croix County, Wisconsin, and entered into the Town of Kinnickinnic record books. This Ordinance was posted in the following three locations in the Town on NOV 12, 2020:

Star observer

Town Hall front Door

Town Website

  
\_\_\_\_\_  
Nicky Thompson, Clerk

Dated this 10<sup>th</sup> day of November, 2020.