

**TOWN OF SCOTT**  
**CULVERT/ROADWAY/DRIVEWAY ORDINANCE**

I. Intent and Purpose

The Town Board of the Town of Scott, being duly assembled does pursuant to its village powers and authority, pursuant to its specific statutory authority cited herein and pursuant to its authority to control, negate and limit potential public nuisances and to protect the public health and safety of person in the Town of Scott, adopts this ordinance with the intent by the ordinance to protect public health and safety, to limit, negate or control public nuisances and to provide safe and healthful road conditions for public and private lands consistent with private property rights and consistent with protecting the public health and safety.

II. State Highway Laws and Town Laws

State Highway laws as found in Sections 81.01, 81.06, 81.022, 86.04, and Section 86.06 Wis. Stats. and Towns laws as found in Section 60.555 (fire safety) and Section 6.565 (ambulance service) are adopted by reference.

III. Town Highway Access Prohibited/Driveway Regulated

- A. NO person shall make any excavation, fill the Town Highway, install any culvert or make any alteration in any Town Highway maintained by the Town of Scott without obtaining the appropriate permit under this ordinance from the Town Board or by its designee.
- B. NO person shall construct or reconstruct a private driveway for motor vehicle travel, where the proposed driveway or will access to any public highway in the Town of Scott and where the person who owns or controls the proposed driveway will be serviced by any ambulance, fire service, or other emergency services from the Town of Scott or its designee, unless the person first obtains the appropriate permit under this ordinance from the Town Board or its designee.

IV. Specific Requirements for Permit

The following are specific requirements for the permit:

- a) The permit shall be applied for and approval by the Town Board or its designee prior to any construction, installation or reconstruction of any buildings or structures that will be served by the driveway, unless waived in writing by the Town Board.

b) The application for permit shall describe in writing in detail the driveway and roadway construction/reconstruction plan to be followed by the owner, including what economic security shall be provided to the Town of Scott to insure that the driveway construction and roadway construction or reconstruction will be completed as approved by the Town Board. NO permit shall be issued by the Town Board unless the Town Board determines that an adequate and complete driveway and roadway plan has been timely submitted to the Town of Scott and that the Town Board determines that the owner is capable and willing to insure full and timely compliance with the plan as submitted to and approved by the Town Board.

c) NO permit shall be issued by the Town Board unless the Town Board determines in writing the roadway access onto the driveway and driveway access onto the roadway and the driveway would be reasonably safe for the general public, including persons using emergency vehicles of the Town of Scott or its designee. The minimum standards for construction or reconstruction shall be as follows:

- (1) Minimum road surface width ....12 feet.
- (2) Minimum width clearance....24 feet.
- (3) Minimum height clearance free of obstructions, including but not limited to trees, wires, etc....18 feet.
- (4) Maximum grade.....10 per cent.
- (5) Minimum visibility from driveway onto Town road. Vehicles exiting driveway shall have an unobstructed view of the Town road for a minimum of 300 feet in each direction. Measurement shall be from the drivers seat in the vehicle with no part of the vehicle extending into the four rod roadway.

At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length. 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 55% to prevent erosion onto the public road.

An adequate road bed base of suitable material to support the projected traffic, including emergency vehicles and any requirements for culverts shall be determined in writing by the Town Board. If culverts are required the recommended minimum diameter shall be eighteen inches (18"). At the dead end of any driveway a sufficient turn around area for motor vehicles, including emergency vehicles, shall be provided as determined in writing by the Town Board or its designee prior to the issuance of the permit.

d) NO permit shall be issued by the Town Board, unless the applicant agrees in writing to meet the following estimated expenses or costs to be incurred by the Town of Scott, Namely:

- (1) Estimated administrative costs and expenses for Town Board or

designee to review application driveway and roadway plan for approval.

- (2) Estimated costs and expenses to recondition and repair Town Highways due to likely damages to be caused by driveway access, including culvert.
  - (3) Estimated retention costs of a Town engineer for review and approval of the driveway and roadway plan, if deemed necessary by the Town Board.
- e) NO permit shall be issued by the Town Board unless the Town Board determines to its satisfaction the roadway access and the driveway, as proposed by applicant, have NO substantial obstructions and the proposed driveway and roadway plan is adequate in addressing proper roadway grade, slope, width clearance, height clearance, drainage, surface width, curvature and road base material base to allow reasonable safe emergency vehicle use, including use by fire trucks, ambulance and other emergency vehicles, with any culverts, bridges and storm drainage systems designed and constructed to allow reasonable safe use for these emergency vehicles.
  - f) Any person who makes any excavation, fills the Town Highway, installs any culvert or makes any alteration in any Town Highway maintained by the Town of Scott, without obtaining the appropriate permit under this ordinance shall be financially liable to the Town of Scott for any damages, costs and expenses incurred by the Town in the restoration, recondition or repair of the Town Highway.
  - g) The applicant shall deposit with and in the name of the Town of Scott adequate financial security to insure compliance with the permit and any conditions attached to the permit, unless deposit is waived by Town Board.

V. Applicability and Enforcement

- a) The provisions of the ordinance shall apply to all lands in the Town of Scott.
- b) This ordinance shall be enforced by the Town Board of the Town of Scott or its designee. The Town Board may, after a public hearing, revoke or suspend any permit issued under this ordinance for failure to comply with this ordinance or the conditions attached to the permit.

VI. Additional Conditions on Permit

The Town Board may attach specific conditions to the permit in order to limit, negate or control potential public health and safety and public nuisance concerns of the Town Board

#### SCHEDULE A

A DEPOSIT OF \$50.00 WILL BE REQUIRED BEFORE A PERMIT IS ISSUED. UPON COMPLETION \$40.00 WILL BE RETURNED IF THE DRIVE-WAY MEETS THE APPROVED PLAN AND THERE IS NO DAMAGE TO THE TOWN ROAD.

#### SCHEDULE B

FAILURE TO COMPLY WITH THIS ORDINANCE OR ANY PART THERE-OF, SHALL RESULT IN THE FOLLOWING.

THE TOWN OR IT'S DESIGNEE SHALL ISSUE A CITATION FOR THE VIOLATION.

ENFORCEMENT SHALL BE THROUGH THE MONROE COUNTY COURT SYSTEM. THE PENALTY OR FORFEITURE SHALL BE \$50.00 FOR EACH DAY OF VIOLATION FOLLOWING ISSUANCE OF THE CITATION.

IN ADDITION TO THE TOWN FORFEITURE WILL BE THE COUNTY FORFEITURE SCHEDULE.