

**TOWN OF PINE LAKE
DRIVEWAY/PRIVATE ACCESS ROAD PERMIT ORDINANCE**

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Pine Lake 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 Pine lake, 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 Pine Lake, Oneida County, Wisconsin.
- F. “Town board” means the board of supervisors for the Town of Pine Lake, 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 Pine Lake, Oneida County, Wisconsin.
- H. “Wis. stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V – 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/Private Access Road Permit to be issued by the Town Board or its designees.

B. Any person prior to and at the time of seeking a Town Driveway/Private Access Road Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

SECTION VI – 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/Private Access Road Permit is required under Section V 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 (%)
Driveway entrance/exit.....	90° angle

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 road bed 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 dead 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 landowners expense.

SECTION VII – APPLICATION AND PERMIT PROVISIONS

A. The Town Board shall approve a form for application for the Town Driveway/Private Access Road Permit, which shall be available from the Town Clerk.

B. The applicant for a Town Driveway/Private Access Road 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 Driveway Inspector 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) Driveway/private access road Construction Plan

C. Procedures for the evaluation of the Town Driveway/Private Access Road Permit Application

1. Driveway/Private Access Road 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 will be forwarded to the county for address assignment upon Driveway/Private Access Road Permit has been approved.

D. The Town Board or the Driveway Inspector, the Town Board designee, shall approve or deny every town Driveway/Private Access Road 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/Private Access Road 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 access road locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
6. Alternative driveway/private access road 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/private access road will not provide timely and adequate ingress and egress for emergency vehicles.

E. In the event of a denial of a Town Driveway/Private Access Road 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 the Driveway Inspector 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/Private Access Road Occupancy Permit.

G. See Schedule of Fees and Fines/Penalties for current permit fees

SECTION VIII – CONSTRUCTION PLAN

A. The Town Board or Driveway Inspector may require a driveway/private access road construction plan prior to any proposed driveway/private access road 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/her deputies, regarding the proposed driveway/private access and whether the proposed driveway/private road access 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/private access road construction plan does not guarantee the approval of a Town Driveway/Private Access Road Permit by the Town Board or Driveway Inspector.

D. As a condition of any Town Driveway/Private Access Road Permit, the driveway/private access road 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/Private Access Road Permit application by the Town Board or Driveway Inspector 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/Private Access Road 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 IX – 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 X – 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.

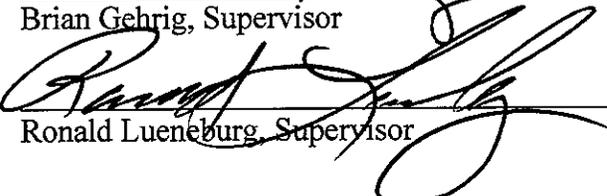
Adopted this 21st day of June, 2023.



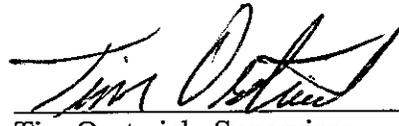
Jim Flory, Chairman



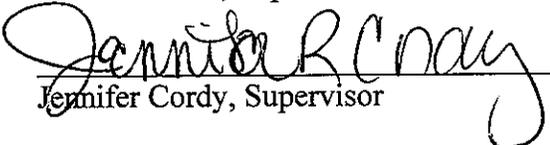
Brian Gehrig, Supervisor



Ronald Lueneburg, Supervisor



Tim Oestreich, Supervisor



Jennifer Cordy, Supervisor

Attest: 

Cindy Skinner, Clerk