

ARTICLE XXIV MORRISON TOWNSHIP CULVERT AND DRIVEWAY ACCESS ORDINANCE

Amended Sept 2003, April 2015, and April 2021

SECTION I – TITLE AND PURPOSE

A. The purpose of this ordinance is to assure a uniform and proper type, size, installation and fill material for culvert and driveway access installations within the Town of Morrison on township public roads.

SECTION II – AUTHORITY

A. Abrogation and Greater Restrictions: It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

B. Interpretation: In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements shall apply

C. The Town Board has the specific authority under ss 66.0425 and 86.07, Wis stats., to adopt a Culvert and driveway access ordinance, and has the general authority under its village powers under s 66.22., Wis. Stats., to adopt this ordinance.

D. Application: The requirements of this ordinance apply to all persons living and or owning property in the Town of Morrison.

E. Administration: The provisions of this ordinance shall be administered by the Morrison Town Board unless a committee, or person is appointed by said Board, to administer the provisions herein.

F. Effective Date: The provisions of this ordinance shall take effect upon publication. This ordinance shall apply to all new installations after February 5, 2002 and also shall apply to all replacement installations after that time.

SECTION III - COVERAGE

A. 1. Upon receipt of written notice from the town, no landowner may maintain or use, or allow the maintenance or use of, any existing driveway on the landowner's land for general public or emergency vehicle access to and from a residential dwelling in the town if the driveway, for any structural, location, or design reasons, has been determined by the town board, or its agents, in writing to substantially limit or negate usage and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway.

2. The Town Board shall serve upon any potentially impacted landowner a copy of its written determination under A. 1. That a driveway substantially limits or negates safe and

timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway. The determination of the Town Board shall not be final until a public hearing before the Town Board has been held. The Town Board shall publish a class 2 notice, under s. 985.07, Wis stats., of the public hearing.

3. A copy of the Town Board's written determination and notice of the public hearing on the Town Board's determination shall be served by registered or certified mail on any potentially impacted landowner within 20 days of the making of the written determination and at least 10 days prior to the hearing date. The notice shall include the names of all potentially impacted landowners and the location of the subject driveway in the town. The notice may specifically contain a warning that, due to the existing condition of the driveway, emergency vehicle access to the dwellings served by the subject driveway may not be possible.

4. Any potentially impacted landowner may provide at the public hearing evidence regarding access provided by and the condition of the driveway. Any potentially impacted landowner may be represented by legal counsel at the public hearing and may present witnesses and cross examine witnesses presented by the Town Board. All witnesses testifying before the Town Board shall be under oath. No person testifying before the hearing shall vote as a member of the Town Board in making a final determination regarding the subject driveway.

5. The Town Board, at or after the hearing, may order any of the following:

a. That the town attorney seek a court order providing that the driveway be closed for general vehicle traffic use, but not closed to emergency vehicle use, until the driveway is structurally designed and reconstructed to allow for safe and timely general public and emergency vehicle access to and from the residential dwellings served by the driveway.

b. That the town attorney seek a court order providing that the driveway be reconstructed or repaired to allow for safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway in a proper manner and in a reasonable time specified by the court and that if the driveway is not so reconstructed or repaired by the date specified, the Town Board may have the driveway reconstructed or repaired and the cost assessed as a special assessment against the land under its police power under ss. 66.0701 and 66.0703, Wis stats.

c. Other reasonable and necessary action that will serve to protect the public health and safety of persons within the town, including the owner, occupants, or guests of the owner of the land.

SECTION IV - SPECIFICATIONS

- A. Culvert Permit Required: Sale or conversion of any land wherein road access connecting to any public roadway is or may be required; said access may require installation and maintenance of a culvert of proper type, size, installation method and fill matter
- B. No person shall construct or maintain any driveway across any ditch, sidewalk or curb or enter any road without first obtaining a culvert/driveway permit from the Town of Morrison.

C. There shall be a one-time fee for any new access/culvert permit issued pursuant to the terms of this ordinance.

D. No building permit shall be issued or excavation begun until a driveway access and culvert permit for a proper size and type of culvert (if culvert needed) first be obtained from the proper town authority.

E. Type and Size of Culvert: The Town of Morrison in an effort to make uniform the size and type of culvert to be installed, hereby restricts culverts to the following:

1. Steel, aluminum, concrete and thermoplastic materials are suitable materials for culvert pipe. Coating systems for steel culvert pipe may be either zinc-coated (galvanized), aluminum or polymer. This is in accordance with the WI DOT Hwy Maintenance Manual section FDM 13-1-15
2. All culverts shall be from a WisDOT – approved manufacturer, according to the WI DOT Hwy Maintenance Manual 9.2
3. The minimum diameter of any culvert, regardless of placement location, shall be eighteen (18) inches or arched (oval) equivalent.
4. The minimum length of any culvert, excluding endwalls and regardless of placement location, shall be thirty (30) feet.

F. Method of Installation and Procedure:

1. Culvert installation must be performed in the Town of Morrison road right-of-way and designated easements, and therefore, in all cases the installation of the culvert must be inspected and approved by the Town of Morrison Supervisors or duly appointed Representative to assure proper and uniform installation.

2. The property owner shall place two markers 30-feet apart and within the ditchline, at the location where they wish the culvert to be installed.

3. The Town authorized representative shall visit the site in order to determine the proper length culvert, if a culvert is required, and to determine if excavation of material is required for installation.

4. The selected installer shall install the proper size culvert and at least one load of stone. Additional stone may be required to bring the entrance up to grade and the cover must be $\frac{3}{4}$ inch crusher run stone.

5. All culverts and end walls must be set at time of installation by the contractor. If excavation of the ditch is necessary to ensure proper installation, the cost of the ditching is the responsibility of the property owner.

6. The use of any decorative material is discouraged. If decorative material is used, the Town is not responsible for any damages that may occur, such as road and culvert repairs or if someone runs into it and causes damage to a vehicle.

7. The culvert must be set at least three (3) feet from the property line and only $\frac{3}{4}$ inch crusher run stone may be used to cover the culvert or driveway within the road right-of-way. The driveway grade shall not be at a higher grade than the road at its meeting point.

8. A minimum of eight (8) inches of $\frac{3}{4}$ inch crushed stone shall be placed on top of the culvert. In the event that the eight (8) inches of cover makes the grade too high, the installation

of an arch (oval) culvert may be required by the Town Board or approving authority representing the Town.

9. Proper bedding and filling must be placed around and beneath the culvert to set it properly. The Town Board may approve alternate types of gravel or stone but in no event shall dirt, clay or material other than gravel be used.

10. Installation of any culvert without first obtaining a permit therefore as required herein, private installation or replacement of a culvert in any manner inconsistent with the methods listed herein or if the property owner does not follow the guidelines set forth in this ordinance and has the culvert set by persons not authorized by the Town Board shall constitute a violation of this ordinance. The Town Board may order that the culvert be removed at the expense of the property owner.

11. It shall be the responsibility of the contractor to have all buried facilities located by a proper licensed agent of said facilities.

G. Construction and Maintenance of Driveway in Road Right-of-Way:

1. No driveway constructed within any road right-of-way shall be surfaced with any material other than blacktop or gravel. At Town Board discretion, blacktopped driveways may be required to end before merging with the existing town road. It shall be the obligation of the owner of abutting and property benefited by such driveway so installed to maintain the same in a safe manner as to not interfere with safe travel upon the roadway.

2. The Town shall not be liable for any damage or for restoration of any driveway damaged during operations to maintain the roadway, culvert or ditch.

3. Whenever concrete exists over a culvert in the town right-of-way, that services the adjacent property owner, that property owner shall bear all expenses to remove the concrete and resurface. This shall apply to all existing and future concrete installations.

4. In addition to penalties otherwise provided by this Ordinance, any driveway installed or maintained contrary to the provisions hereof may be removed pursuant to Wis. Stats. Sec. 86.04 as constituting an unauthorized structure or object encroaching upon a highway.

H. Driveways. All residential driveways shall meet the following requirements:

1. Maximum width of twenty-four (24) feet at sidewalk line with maximum curb opening at thirty-four (34) feet.

2. Maximum radius or flare of five (5) feet or distance from sidewalk to curb, whichever is less.

3. Where more than one (1) driveway from a street is allowed, there shall be provided a safety curb between driveways not less than eight (8) inches high and six (6) inches in width, constructed of concrete and located at the curb line.

4. Driveways shall be more than twenty-five (25) feet apart at the curb line.

5. In the case of a corner lot, access to the principal street shall be restricted to one (1) driveway, unless extraordinary circumstances are evident.

6. All driveways are means by which vehicles travel between the street and approved parking spaces and are not to be considered for approved parking space.

7. In no instance shall the total width of driveway openings serving the same parcel exceed one-half (1/2) of the total lot frontage.

8. The width of a private driveway should have a minimum of sixteen (16) feet of driving surface with a minimum depth of eight (8) inches of breaker run and a minimum surface of four (4) inches of gravel. (Revised Sept 2003)

9. Any private driveway three hundred (300) feet or more in length shall have an adequate area for turn-around for emergency vehicles and it shall be no closer than one hundred (100) feet from the dwelling.

10. Any private driveway eight hundred (800) feet or more in length shall also have one (1) meeting area with driving surface of twenty (20) feet wide and sixty (60) feet long for every eight hundred (800) increments.

11. Every new driveway should be a minimum of twelve (12) feet from the edge of driving surface to nearest lot line.

The intent of 8, 9, and 10 is to create an environment that emergency vehicles will have adequate accessibility.

SECTION V - PENALTY PROVISION

A. Except where a penalty is provided elsewhere in this ordinance; any person who shall violate any of the provisions of this ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

1. First Offense- Any person who shall violate any provision of this ordinance shall upon conviction thereof, forfeit not less than sixty (\$65) nor more than One Thousand Dollars (\$1000) together with the cost of prosecution.

2. Continued Violations: Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

3. The Town shall have any and all remedies afforded by the Wis. Statutes in addition to the forfeitures and costs of prosecution above.

SECTION VI - SEVERABILITY CLAUSE

A. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Revisions adopted by Town of Morrison Town Board on **March ____, 2021.**

Tom Kempen, Chairman

Attest: Colleen Magley, Clerk