

**TOWN OF LIBERTY GROVE
ORDINANCE 11-19**

DRIVEWAY ORDINANCE

Section 1. Scope of Ordinance

All previous driveway ordinances and all other rules of driveway construction for the Town of Liberty Grove, hereafter “the Town”, are hereby rescinded and replaced by this ordinance.

Section 2. Application

This ordinance shall apply to any new driveway in the Town, from public roadways over and to parcels of land privately owned, constructed after the date of adoption of this ordinance and to any driveway in the Town, which is being altered or replaced in an amount in excess of Two Thousand Dollars (\$2,000.00) after the date of the adoption of this ordinance. Furthermore, this ordinance shall apply to any driveway where a material “change of use” of the parcel the driveway serves takes place.

Section 3. Definitions

Driveway: a private road on private property for private or public use consisting of improvements such as excavation, filling, and grading by the property owner(s) or an agent to construct it or an unimproved motor vehicle trail to access any property with an improvement.

Change of use: A change of utilization, as defined by the Door County Zoning Ordinance, or any parcel that a driveway serves which limits reasonable access for fire and other emergency services.

Section 4. Permit

Any owner of a parcel of real estate who wishes to construct or alter a driveway to serve said parcel in the Town shall make written application to the Town Clerk or Administrator for a permit. The application shall include a schematic drawing of all the parcel to be served by the driveway, including and showing:

- a. All existing improvements
- b. All proposed improvements
- c. Methods that will allow for the proper flow of water (including placement of culverts in roadway ditches) if deemed necessary by the Town
- d. Location on the parcel and specifications (as described in section 4 of this ordinance) of the proposed driveway, as well as description of the materials to be used in construction of the proposed driveway.

Anyone applying for a permit to construct a driveway shall give the Town access to the proposed site for inspection at the time of the application. In the event a permit is granted, the Clerk or Administrator shall inspect the driveway after completion to confirm it was constructed to the standards set forth in the application.

The fee for a driveway shall be determined by the Town Board of Liberty Grove and may be changed without notice or amendment to this ordinance. Contact the Town Clerk or Administrator for the current fee.

The permit shall be valid for a one-year period from date of issuance, and if construction is not completed during said one year-period the permit shall lapse and become void, unless the term of the permit is extended by the Town Board, upon written request of the permittee.. The Town Board may extend the term of the permit for a period of time it deems appropriate under the circumstances in its sole discretion, provided that there has been no material change in circumstances since the date of issuance of the permit which renders the permit inappropriate, and provided the Town Board is

satisfied that construction of the driveway cannot reasonably be accomplished within the one-year period without unnecessary hardship or unnecessary inconvenience. Written request for extension of the permit must be received by the Town Clerk at least 30 days prior to the date of expiration of the permit, or it will not be considered by the Town Board.

If a permit expires, or is not extended by the Town Board as provided herein, due to the failure of the permittee to pursue construction of the driveway in a diligent manner, no new permit for driveway may be issued for a period of 90 days from the date of expiration of the permit unless consented to by the Town Board. An applicant seeking the consent of the Town Board in such circumstances shall request such consent in a writing delivered to the Town Clerk, and the request shall be considered by the Town Board at its next regular meeting, provided such request is delivered at least 72 hours prior to such meeting.

Section 5. Specifications

Minimum Width: Driveway right-of-way shall be at least 16 feet wide with a road surface of at least 12 feet wide throughout its length. All curves contained within a driveway shall have a minimum inside radius of 28 feet.

Vertical Clearance: All driveways shall have at least 13'6" feet of vertical clearance throughout the width and length of the road surface.

Turnarounds: If a driveway is over 400 feet in length, provisions must be made for the ingress and egress of fire, emergency, and sanitation vehicles including but not limited to an adequate turnaround. Provisions for the turnaround shall be adequate enough for a forty (40) foot vehicle to turn around, as deemed necessary by the Town.

Side Banks: The side banks shall be graded to a slope of not more than 1 foot of vertical rise in each 2.5 feet of horizontal distance. (such rise is equal to 25% slope). Excluded from this grading requirement are driveways for which retaining walls and/or other erosion control measures are installed as specified in an Engineer's Plan approved by the town.

Setback: All driveways shall be set back at least 5 feet from an adjacent property line, unless the adjacent property owner also uses the driveway, or as otherwise specified by the Door County Zoning Ordinance.

Culverts: If culverts are required, the recommended minimum diameter shall be twelve (12) inches.

Section 6. Violations

Subsection 1. Notices

Whenever the Town determines that there are reasonable grounds to believe that there has been a violation of any provisions of this ordinance, it shall give notice of such alleged violation to the person or persons responsible therefore, or to any known agent of such persons, as hereinafter provided. Such notice shall:

- a. Be put in writing.
- b. Include a statement of the reasons why it is being issued.
- c. Be served upon the owner or his agent, or the occupant, as the case may require: provided that such notice shall be deemed to be properly served upon such owner or agent, or upon such occupant, if a copy thereof is served upon him personally, or if a copy thereof is sent by registered mail to his last known address, or if a copy thereof is posted in a conspicuous place in or about the premises affected by the notice, or if he is served with such notice by another method authorized or requested under the laws of the state.

- d. Contain an outline of remedial action which, if taken, will affect compliance with the provision so this chapter.

Subsection 2. Citations

- a. In the event the violation is not cured, the ordinance shall be enforced by the issuance of a citation by any designee of the Town, or any authorized member of the Door County Sheriff's Department. The Town will prosecute the violation(s) according to Wisconsin law and Town ordinance, specifically, but not limited to, provisions of SS 66.12, Wis. Statutes.
- b. The citation shall include the following:
 - i. Name and address of the alleged violator
 - ii. Factual allegations describing the alleged violation
 - iii. Time and place of offense
 - iv. Section number of ordinance violated
 - v. A designation of the offense in such a manner as can be reasonably understood by a person making a reasonable effort to do so
 - vi. The time at which the violator may appear in court
 - vii. Penalty for violation of the ordinance

Subsection 3. Penalties

In the event a driveway is constructed or altered as set forth in this ordinance without an appropriate permit being granted, the owner(s) of the parcel being served by the driveway shall be subject to the following:

- a. A forfeiture of an amount not to exceed \$250.00
- b. After the Town issues notice of violation, each day of violation shall be considered an additional violation.
- c. In the event the parcel owner fails to correct the violation and be in compliance with this ordinance, upon 72-hour notice, the Town shall be granted access to correct the violation and charge the actual costs of bringing the driveway into compliance to the owner of the parcel.

Section 7. Naming of Roads

The Town reserves the right under Wisconsin Statutes 81.01(11) and 60.23(17) to name driveways/roads under its jurisdiction.

Section 9. Severance Clause

The provisions of this ordinance are declared to be severable, and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of the ordinance

This ordinance shall take effect upon passage and publication as provided by law.

Adopted at a regular meeting of the Town Board of Liberty Grove, Door County, Wisconsin, this 4th day of September, 2019.

I, Anastasia P. Bell, Clerk/Treasurer of the Town of Liberty Grove, Door County, Wisconsin do hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 4th day of September, 2019 by the Town of Liberty Grove Board.

Dated this 4th day of September, 2019.

Anastasia P. Bell Clerk/Treasurer