

CHAPTER 12.00 – ROADS AND DRIVEWAYS

SECTION 12.00 PRIVATE ACCESS TO TOWN ROADS

Section 12.01 Authority

This ordinance entitled “Town Road Private Access Control” is adopted by the Town Board of the Town of West Point, Columbia County, Wisconsin, pursuant to the authority of Wis. Stats., Sec. 86.07(2), and Chapter Trans. 231 of the Wisconsin Administrative Code.

Section 12.02 Purpose

The purpose of this ordinance is to restrict and regulate private access onto town roads in order to promote the public safety by providing for safe and efficient private ingress and egress to Town of West Point roads, ensure proper drainage, and minimize disruption to existing agricultural lands.

Section 12.03 Definitions

(A) The following terms shall be applied as indicated throughout this ordinance.

(1) Access. Driveway access point for any motorized vehicles except for State of Wisconsin funded snowmobile trails.

(2) Access Permit. A permit from the Town of West Point granting access onto a TR.

(3) Administrator. Town Engineer, Building Inspector or any designee of same.

(4) ADT. Average Daily Traffic generated on a given road or highway.

(5) Driveway. Any access for motorized/non-motorized vehicles.

(6) Parcel. The area of land within the property lines of a given piece of property.

(7) Person. Includes any individual, firm, association, joint stock association, organization, partnership, limited, trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.

(8) Town Road (TR). Any segment of a Town Road located within the boundaries of the Town of West Point.

(B) Words used in the present tense includes the future tense; the singular tense includes the plural and the plural the singular; the word “shall” is mandatory and the word “may” is permissive; the words “used” or “occupied” also mean

intended, designed or arranged to be used or occupied; and all distances unless otherwise stated shall be measured in the horizontal direction.

Section 12.04 Regulations

(A) Existing Access. Any driveway access to a TR prior to the effective date of this ordinance will be allowed, provided that any future construction or alteration shall meet the terms of this ordinance.

(B) Access To Highway. Entrance upon or departure from a TR shall be prohibited except at locations specifically designated by this Section. No driveway shall be opened into or connected with any TR, under this Section or converted from one use of access to another use of access and no culvert shall be installed within Town right-of-way without an access permit.

(C) Subdivision Of Land. Before any parcel of land is allowed to be subdivided, it must be proven that access can be provided to each proposed parcel in such a way that it will not violate any of the regulations of this ordinance.

(D) Access Spacing And Frequency

(1) In a case where a property owner owns more than one adjacent parcel (of the same land use) with frontage, all parcels shall be treated as a single parcel for the purposes of this section.

(2) Each residence shall have one access.

(3) Commercial and industrial zoned parcels may be allowed two points of access provided they each separately meet the remaining criteria of this ordinance, and require more than 50 parking spaces.

(4) Multiple access points for agricultural purposes may be granted, if reasonably necessary, on a case by case basis.

(5) Whenever possible, access should be granted onto the most minor road adjacent to the property when there is a choice between roads.

(6) Safety shall not be interfered with due to access locations near hills, curves, intersections, or other locations which may not be in clear and apparent view of on coming traffic.

(E) Design Standards. Driveways within the TR right-of-way must comply with the following design standards:

(1) Driveways shall be so located as to not create a safety hazard for vehicles traveling on the TR or exiting and entering the property. The Administrator, using good engineering practice, shall determine the permitted location for driveways with consideration given to the TR's classification, topography, and posted travel speed.

(2) To the extent possible, no driveway shall be located within or traverse any area that is part of a "vision clearance triangle" that is created by a hypotenuse line connecting points 150 feet from the center of a TR intersection, nor shall driveways be located closer than 15 feet outside of the extended pavement edge line at a "T" intersection.

(3) Driveways may be constructed of any hard, clean, durable material such as concrete, crushed stone, bituminous or paving stone placed so that the surface of the driveway meets the existing edge of pavement. Driveways shall not extend into the roadway surface so as to cause an obstruction to the maintenance or snow removal on the roadway.

(4) All accesses to TR's without curb and gutter must be provided with a culvert. Culverts must be placed at least 1 foot under the access, be a minimum of 15 inches or equivalent in diameter or as large as needed for adequate drainage and be constructed of corrugated metal or concrete, with endwalls. Plastic pipe and/or plastic endwalls shall not be allowed.

(5) Culverts shall be placed in the ditch line at elevations as set by the Administrator so as to adequately convey water and assure proper drainage.

(6) Culverts shall be bedded and backfilled with granular material, compacted in place, or other material acceptable to the Administrator. The minimum cover, measured from the top of the pipe to the top of the subgrade material shall be six inches.

(7) Direct drainage from driveway to ditch or culvert on same side of TR.

(8) Slopes to the side of the access shall not be steeper than 4 to 1 (25 percent desirable) or that of the embankment of the existing TR whichever is less.

(9) Driveway entrances shall be sloped away from the edge of the TR pavement at a minimum slope of two percent across the shoulder and one percent from the shoulder point to the low point. The low point of the driveway shall be located at the center of any required ditch over the driveway culvert. If no ditch exists, the driveway low point shall be placed at the center of the future ditch as determined by the Administrator. If the driveway slopes down from the roadway, a swale must be created over the center of any existing or future ditch.

(10) In the case of long driveways or driveways which carry unusually large volumes of runoff, the Administrator may direct the owner to

construct a drainage ditch on one or both sides of the driveway directing runoff to the roadway ditch or a drainageway on the property.

(11) No roof drain or other storm drain may discharge directly or indirectly onto a driveway sloping toward the street.

(12) Retaining walls, stone walls, etc. shall not be allowed on driveways within right-of-way.

(13) Concrete may be prohibited as a driveway paving material within the town right-of-way when, in the opinion of the Town Engineer, the use of concrete may cause damage or injury or create the threat of danger or injury, to road equipment or for other safety reasons.

(14) Any pavement in the right-of-way, whether new, resurface, or replacement, shall require a permit.

(15) Crowning of access shall be provided within a minimum pitch of 2 percent towards the side of the access.

(16) Where curb and gutter exists, it must be removed at the entrance for new access and new curb and gutter must be provided within the TR right-of-way.

(17) Angle of a driveway shall be as close to 90 degrees with the centerline of the TR as possible, but not less than 75 degrees. The slope of the driveway surface between the right-of-way and the edge of pavement shall not exceed 8%.

(18) Facing access on opposite sides of a TR shall be located directly opposite each other whenever possible.

(19) Type "A" access: Private driveways with access to one or two agricultural or residential parcels must have a driveway width of 20 to 24 feet and a return radius of 20 feet (see Appendix 12.04A).

(20) Type "B" access standards (see Appendix 12.04A) must be used for residential with 3-20 units, and commercial or industrial with up to 25,000 square feet

(21) Type "C" access standards (see Appendix 12.04A) must be used for residential with over 20 units, and commercial or industrial over 25,000 square feet.

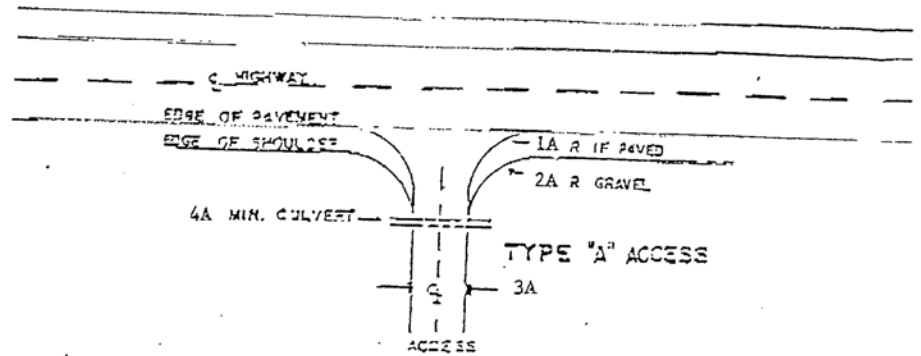
APPENDIX 12.04A

ACCESS DESIGN STANDARDS

ACCESS DESIGN STANDARDS

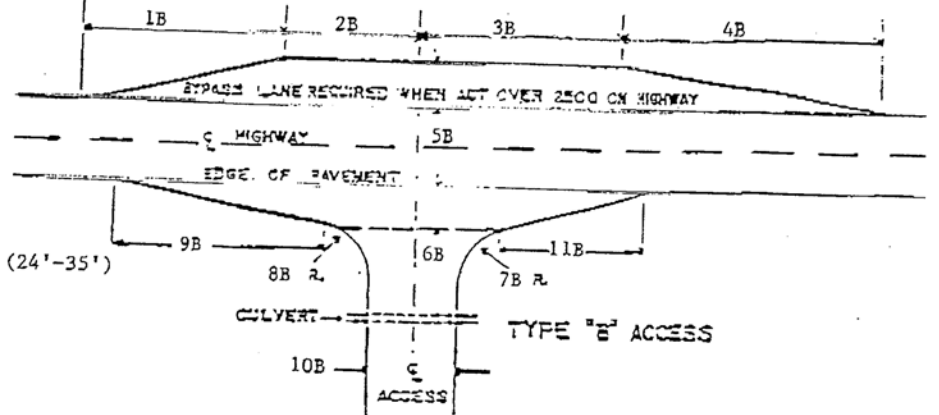
KEY

- 1A = 6.096m (20')
- 2A = 6.096m (20')
- 3A = 6.096m - 7.315m (20'-24')
- 4A = 7.315m (24')



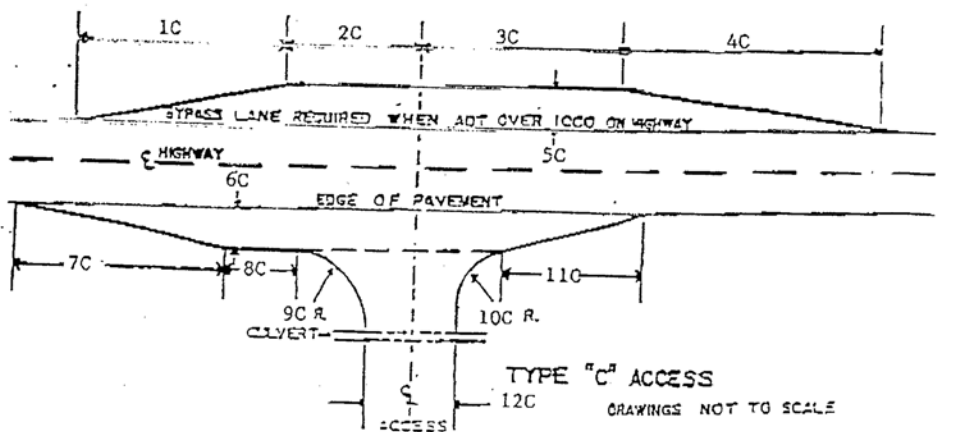
KEY

- 1B = 45.72m (150')
- 2B = 30.48m (100')
- 3B = 45.72m (150')
- 4B = 60.96m (200')
- 5B = 3.6576m (12')
- 6B = 3.6576m (12')
- 7B = 12.192m (40')
- 8B = 18.288m (60')
- 9B = 45.72m (150')
- 10B = 7.315m - 10.668m (24'-35')
- 11B = 30.48m (100')



KEY

- 1C = 45.72m (150')
- 2C = 30.48m (100')
- 3C = 45.72m (150')
- 4C = 60.96m (200')
- 5C = 3.657m (12')
- 6C = 3.657m (12')
- 7C = 45.72m (150')
- 8C = 15.24m (50')
- 9C = 18.288m (60')
- 10C = 12.192m (40')
- 11C = 30.48m (100')
- 12C = 7.315m - 10.668m (24'-35')



DRAWINGS NOT TO SCALE

(22) Bypass lane is required where the ADT of the TR that the access enters onto is 2500 or more for type B access, and 1000 or more for type C access.

(23) Turnarounds shall be provided so that vehicles do not need to back out onto a TR.

(24) Existing TR property including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to its original condition.

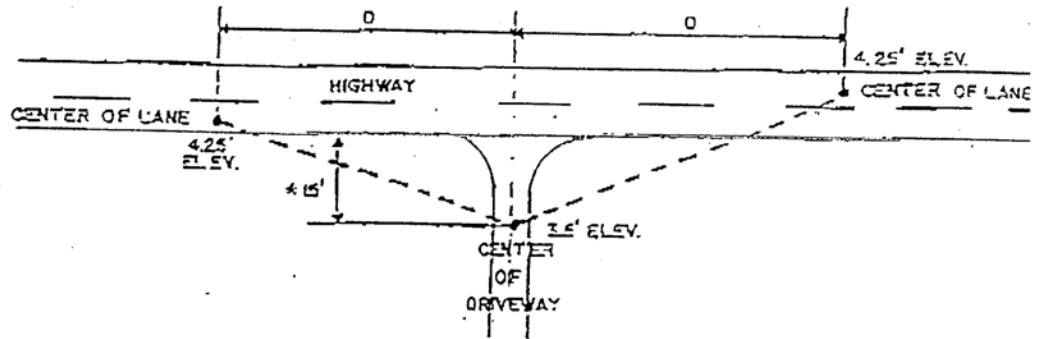
(25) Vision corners must be free of all obstructions at each access point in accordance with the Vision Corner diagram, Appendix 12.04. Driveway vision corners are to be measured from a point 3.5 feet above the center of the proposed access, 15 feet back from the edge of pavement of the TR, to two points 4.5 feet above the center of the nearest on-coming lane of the TR in each direction, at a distance of "D" from the point where the TR meets the center of the proposed access. Distance "D" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used.

APPENDIX 12.04B

VISION/SITE CORNERS

VISION/SITE CORNERS

DRIVEWAYS ONLY



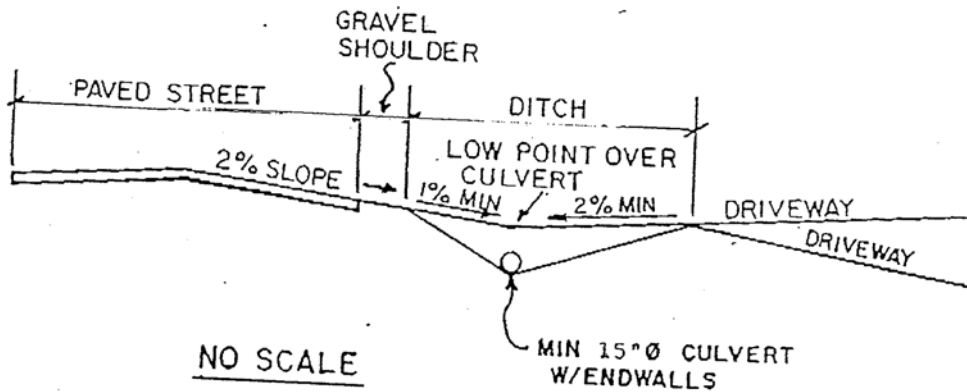
* 15 FEET OR BACKEDGE OF RIGHT-OF-WAY, WHICHEVER DISTANCE IS FURTHER.

SPEED LIMIT	DISTANCE "D" - IN FEET
25	225
30	250
35	275
40	300
45	350
50	400
55	500

(26) Additional information and the requirements relating to applicable standards for all new or altered driveways are illustrated on the attached Driveway Detail incorporated herein. See Appendix 12.04C.

DRIVEWAY STANDARD

DRIVEWAY STANDARD



NOTE
MINIMUM DRIVEWAY CROWN
OR CROSS SLOPE = 2%

DATE 6-2-93	JOB NO. L 142-92A
MEAD & HUNT, Inc.	
Consulting Engineers	
6501 Waco Road, Suite 101	
Madison WI 53710-1361	
DWN. BY	CGL

Section 12.05 Administration And Enforcement

(A) Administration. The Administrator is hereby authorized to administer this ordinance. Applications for permits shall be made to the Administrator who shall review the proposed development or construction and shall either grant or deny the proposed access based upon the provisions, standards, and requirements of this ordinance, within ten (10) working days.

(B) Interpretation. All restrictions on the use of land is restricted to the objects, growth, and use of land within the Road right-of-way of the Town of West Point. Whenever it is questionable as to whether or not an object or a part of an object is within the jurisdiction of this ordinance, the entire object shall be considered to be entirely within.

(C) Access Permits

(1) No structure, object, excavation nor growth shall be constructed, reconstructed, altered, placed, installed, or planted within the right of way of a TR as part of access construction until an Access Permit has been issued by the Administrator. Said permit shall be placed in clear view as near to the point of proposed construction or access as possible. An access permit shall expire one year from the date of issuance. All construction must be completed within this time. The Administrator may extend approval of an access permit, under extenuating circumstances.

(2) The permittee shall be liable for all materials, labor and other costs connected with the construction of the access within the TR right of-way. The Town of West Point shall not be liable for any damage or injury which results from the construction of an access. The Town of West Point shall not be responsible for any maintenance of a private access/access culvert including the removal of snow, ice, or sleet from the access.

(D) Fees

(1) The applicant shall pay to the Town of West Point a fee of \$50.00 for types "B" and "C" permit application. For type "A" and agricultural access the fee shall be \$25.00.

(2) In the event that any construction or alteration is commenced prior to application or issuance of a permit, in addition to any other remedies available to the Town, including the right to deny the access notwithstanding commencement of construction and return of the right of way to its prior condition, the permit fee shall be doubled.

(E) Hazard Marking And Lighting. Any access location shall during construction within the right-of-way be provided with adequate hazard marking and lighting to prevent possible accidents. The hazard marking and lighting shall be provided by the owner of the parcel to which the access will enter.

(F) Appeals

(1) Any person aggrieved by any decision made in the administration of this ordinance may appeal to the Town Board of the Town of West Point. Appeals shall be filed within thirty (30) calendar days following the administrative decision by the Administrator. Appeals shall be filed in writing with the Town Clerk. The appeal shall specify the legal description of the parcel and access location in question, and the reason given for the appeal.

(2) The Town Board shall make a decision on the appeal within forty-five (45) calendar days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present.

(G) Variances

(1) Where, in the sole judgment of the Town Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this ordinance because undue hardship would result, the Town Board may waive or modify any requirements to the extent deemed just and proper. Application for a variance shall be made in writing by the property owner on the application form provided by the Town. The application may not be filed until after a permit has been sought from the Town and discussions occurred with the Administrator. The applicant shall set forth all facts relied upon to justify the variance request and the application shall be supplemented with maps, plans or additional data which may aid the Plan Commission and Town Board in the analysis of the variance request.

(2) The Plan Commission shall not recommend nor shall the Town Board grant a variance unless it shall make findings based upon the evidence presented to it that:

(a) The granting of the variance will not be detrimental to the public safety, health or welfare of the general public or injurious to other property or improvements in the neighborhood in which the property is located;

(b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

(c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(d) The alleged difficulty or hardship is caused by this ordinance and has not been created or self-imposed by the property owner. It shall not be deemed to be a hardship merely because a property owner desires a different access location, for whatever reason, if the property can be otherwise accessed in compliance with the ordinance.

(3) The Town Board, if it approves of the variance, shall do so by motion or resolution and instruct the Town Clerk to notify the property owner.

(4) A majority vote of the entire membership of the Town Board shall be required to grant any modification of this ordinance, and the reasons shall be entered in the minutes of the Board. The Town Board may impose such conditions or restrictions upon the permit benefited by the variance as may be necessary in the sole opinion of the Board.

(5) The Plan Commission and Town Board shall have the power to call on the Administrator for assistance, including written reports, with respect to the variance.

(H) Violations. In the case of any violation of this ordinance, the Town Board may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense.

(I) Penalties. Any person found guilty of violating any part(s) of this ordinance shall upon conviction thereof, forfeit not less than \$50.00 nor more than \$200.00 for each day for each offense, together with the costs of prosecution.

(J) Deposit. In the event of violation of this Ordinance, a cash deposit for inclusion in the citation is established as follows: 1st offense \$75.00; 2nd offense (and each subsequent day of offense) \$125.00.

History Note: Adopted 4/11/95.

SECTION 12.10 PRIVATE DRIVEWAYS

Section 12.11 Authority

These regulations are adopted under the general police powers authority granted pursuant to sec. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats.

Section 12.12 Purpose

The purpose of this Ordinance is to regulate the siting, construction and maintenance of residential driveways that change the existing topography of the land to assure that the siting will promote the public health, safety, and general welfare of the community, preserve agricultural land, protect environmentally sensitive areas, and enforce the goals and policies set forth in the Town of West Point Land Use Plan. Design and construction of commercial driveways are not governed by this ordinance

but shall instead be designed for the specific uses and traffic volumes involved in each application. The design for a commercial driveway shall be approved by the Town Board or its designee.

Section 12.13 Jurisdiction

Jurisdiction of these regulations shall include all driveways on parcels or building sites that are located within the Town of West Point.

Section 12.14 Definitions

(A) Agricultural Land. Land within the Town of West Point that is currently zoned agricultural.

(B) Driveway. A private driveway, 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, but shall not include any field road lying outside of the right-of-way of a public highway.

(C) Shared Driveway. A private driveway serving no more than 4 private residences. A shared driveway shall have only one access to a public road or no more than 2 accesses separated by a minimum of 300 feet in rural areas and 150 feet in semi-urban areas. A shared driveway shall not exceed 1,000 feet in length.

(D) Field Road. A road used only for agricultural, recreational or other non-residential purposes.

(E) Topography. The surface features of an area of land.

(F) Town. The Town of West Point, Wisconsin.

(G) Town Board. The Town of West Point Board of Supervisors.

(H) Town Clerk. The Clerk of the Town of West Point.

Section 12.15 Application Requirements and Procedures

(A) Who Must Apply. No person or entity shall site or construct a driveway without first obtaining a Driveway Siting Permit from the Town or its designee.

(B) Application Forms. The Town Board shall approve a form for applications for driveway permits. These are available from the Town Clerk or Town Engineer.

(C) Application. Submit a completed Driveway Siting Permit Application together with the appropriate fee and the following attachments, as required, to the Town Clerk or Town Engineer.

(1) Plat map.

- (2) Aerial photo/site analysis.
- (3) Soil/slope analysis.
- (4) Town Erosion Control Plan.
- (5) Driveway Construction Plan OR
- (6) Engineer's Plan (if required by the Town Board or its designee).
- (7) Other documents as deemed necessary by the Town Engineer.

(D) Application Review. The Permit Application shall be reviewed and evaluated pursuant to the provisions of Sections 10 and 11 and any other considerations deemed relevant by the Town Board or its designee.

(E) Permit Application Denial. If an application for a Driveway Siting Permit is denied by the Town, an applicant may not reapply for another Driveway Siting Permit for the same site unless the Town Engineer is of the opinion that the proposed driveway siting for the property is substantially different than the prior application.

(F) Permit Period. The Driveway Siting Permit shall be effective for twelve (12) months from the date of issuance. Construction shall be completed within the time frame of the permit.

(G) Building Permits. No Building Permit for new residential construction will be issued until the driveway is sited according to the specifications of this Ordinance.

Section 12.16 Costs of Application Review

An application fee in an amount to be determined from time to time by resolution of the Town Board will be charged. In addition, all reasonable costs for engineering, legal or clerical services incurred by the Town in the course of reviewing and evaluating the Driveway Siting Application shall be paid by the Applicant, to the extent not covered by the application fee. The applicant shall reimburse the Town for the costs within fifteen (15) days of billing. In the event the applicant fails to pay, in addition to any other remedies to which the Town may be entitled to pursue, including forfeiture, the delinquent costs and expenses shall be entered on the tax roll as a special tax against the property pursuant to Section 66.60, Wis. Stats.

Section 12.17 Shared Driveways

No driveway shall be approved in the Town of West Point if the Town Board or its designee finds that the driveway has not been designed to minimize negative impacts on agricultural land.

Section 12.18 Field Roads

No exempt field road may be used for residential purposes unless the field road has been approved as a driveway under this Ordinance.

Section 12.19 Shared Driveways

Shared driveways may be permitted by the Town Board under the following conditions:

(A) A shared driveway agreement between property owners designating usage rights and responsibilities for construction, maintenance and repair must be drafted in a form satisfactory to the Town Attorney and recorded with the deed for each property sharing the driveway. The agreement must, among other things, acknowledge that the driveway will never be improved to Town of West Point road standards, or otherwise opened as a public road, and that the parties to the agreement forever waive and relinquish their right to petition or require the Town of West Point to improve the driveway to Town road standards and additionally, acknowledge that the Town of West Point shall not have any obligation to ever maintain or repair the driveway in any manner whatsoever.

(B) The driveway is located, designed and constructed in accordance with this ordinance.

(C) The party or parties requesting a shared driveway can demonstrate (to the satisfaction of the Town Board) that construction of a single driveway to serve multiple residences will minimize potential environmental degradation enhance safety and/or maximize farmland preservation as compared with multiple driveways.

Section 12.20 Specifications for the Construction of Driveways

(A) Slope. No land with a slope of more than 20% shall be disturbed for the establishment, construction, improvement, modification, or reworking of a driveway. No driveway shall have a finished slope greater than 20%.

(B) Width, Rise, and Ditch Distance

(1) A single use driveway shall be constructed with a minimum of a finished surface of 10 feet, with a minimum of 4 feet side slope on each side with a maximum slope of 1 foot of vertical rise for each 4 feet of horizontal distance. (Such a rise equals 25% slope.) There shall be a minimum of 18 feet from the center of the ditch on one side of the driveway to the center of the ditch on the other side. The center of each ditch must be at least 9 feet from the centerline of the 10-foot road.

(2) Shared driveways shall have a minimum surface width of 18 feet with a minimum of 4 feet of side slope on each side. There shall be a minimum of 26 feet from center of ditch to center of ditch.

(C) Culverts. Each driveway shall have a culvert in accordance with the Town Road Private Access Control Ordinance Section 12.04.

(D) Access. The access for each driveway shall be located, designed and constructed in accordance with Section 12.04.

(E) Drainage. Ditches along the right of way, roadway crowning, and culverts shall be provided by the property owner for acceptable drainage. The driveway shall be planned, constructed, and maintained in a manner that prevents diversion of surface water onto the public road and/or the lands of other persons.

(F) Back Slopes. Ditch back slopes shall be graded to a slope of no more than 1 foot of vertical rise in each 3 feet of horizontal distance. (Such a rise equals 33% 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 Board or its designee.

(G) Radius of Curves. Curves in the driveway shall have an inside radius of no less than 36 feet.

(H) Erosion Control. Once the construction of the driveway has begun, all specified erosion controls – including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding – shall begin immediately. For winter construction, erosion control alternatives must be implemented until specified controls are available.

(I) Substrate. The driveway and turn around area must have at least 4 inches of 2-inch rock on the roadbed, covered with 2 inches of ¾-inch gravel. If it can be shown there is a suitable base, the provision requiring 4 inches of 2-inch rock may be modified or waived by the Town Board or its designee.

(J) Clearance for Emergency Vehicles. An area 20 feet in width and 14 feet in height shall be cleared along the entire driveway right-of-way in order to permit the safe passage of emergency vehicles to the structures served by the driveway.

(K) Turnaround. Each driveway and/or each branch of a shared driveway must have a turn around area adequate to permit turn around of emergency vehicles. Sketches of typical acceptable turnaround areas are attached as Exhibit A and incorporated herein.

(L) Costs. All costs of construction of said driveway, including the cost of the culverts and Engineer's Plan, if required, shall be paid by the property owners requesting the permit.

Section 12.21 Engineering Plan Components

(A) Components. If required by the Town Board or its designee, a plan prepared by a Professional Engineer registered in the State of Wisconsin will include drawings, drawn to scale, showing the following:

(1) Plan. A plan view showing the precise location of the driveway or the segment of driveway that requires an Engineer's Plan in relation to property lines, structures and significant topographic features. Minimum scale: 1" = 40'.

(2) Profile. The profile of the driveway showing no segment exceeding 20%. Also show ditch profiles and culvert slopes.

(3) Retaining walls. The location and structure of any retaining walls. Include design calculations for walls over 3' high.

(4) Culverts. The location and size of any culverts. Include hydraulic/hydrologic design calculation.

(5) Topographic map. Contour map of the contributing watershed enhanced to show drainage patterns in the vicinity of the new driveway.

(6) Cross-section. A cross-section of the proposed driveway.

(7) Erosion control. The required mulching, matting, silt fence or other erosion control measures in conformance with the WI Construction Site Best Management Practice Handbook.

(8) Certification. The plan will include the engineer's name, address, and signature; and a statement from the engineer that he has fully complied with all the provisions of this Ordinance.

(B) Approval

(1) Conditions. No construction of a driveway or shared driveway may commence until the Plan is approved by the Town Board or its designee, until a Driveway Construction Permit is issued by the Town and, when applicable, any necessary approvals are obtained from Columbia County or the State of Wisconsin (see Sec. 86.07, Wis. Stats.). The preparation of an Engineer's Plan does not guarantee the Town's approval of the Driveway Construction Permit Application.

(2) Inspection. After the driveway has been completed, a minimum of 2 Town Board Supervisors or the Board's designee shall inspect the driveway to determine whether or not it was constructed according to the plan(s) and is consistent with the requirements of this Ordinance.

Section 12.22 Existing Driveways

When washing or other conditions created by existing driveways which do not meet the specifications required in this Ordinance obstruct or become a potential hazard to a public road, the Town Board or its designee shall notify the property owner of the condition(s). Any property owner failing to correct any condition(s) within thirty (30) days after notice by the Town Board shall be subject to the penalties described in the violations section of this Ordinance.

Section 12.23 Waiver of Ordinance Provisions

Any provision of this Ordinance may be waived or modified by the Town Board or its designee if it determines that owing to special conditions a literal enforcement of the Ordinance would result in hardship, or it is demonstrated that the provision is unnecessary, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Variances shall not be granted solely on the basis of economic hardship. Any request by an applicant for a waiver or modification of any provision must accompany the initial application and must state the reason for the request.

Section 12.24 Violations

(A) Inspection. The Town or its designee is authorized to enter upon the lands regulated by this Ordinance to inspect the land prior to permit issuance for the purpose of determining whether to approve the permit or to otherwise determine compliance with this Ordinance. If permission cannot be received from the landowner or user, entry by the Town Engineer shall be by special inspection warrant pursuant to Sections 66.0119, Wis. Stats.

(B) Stop Work Order. The Town or its designee is authorized to post a stop-work order upon land which has a permit revoked or to post a stop-work order upon land upon which a driveway is being constructed in violation of this Ordinance, including without a permit. The Town Engineer shall supply a copy of the stop-work order to the Town Attorney. In lieu of a stop-work order, the Town Engineer may issue a written cease and desist order to any landowner or land user violating this Ordinance. These orders shall specify that the activity must be ceased or brought into compliance with the order within seven (7) days. Any revocation, stop-work order or cease and desist order shall remain in effect unless retracted by the Town Board, the Town Engineer, or by a court of general jurisdiction, or until construction of the driveway is brought into compliance with the Ordinance. The Town Engineer is authorized to refer any violation of this Ordinance or a stop-work or cease and desist order issued pursuant to this Ordinance to the Town Attorney for the commencement of further legal proceedings.

(C) Enhanced Forfeiture. Should a driveway be sited, constructed or maintained in violation of the provisions of this Ordinance, or create a hazard that is not corrected within thirty (30) days of notification, the owner(s) of the land through which the driveway passes shall, upon conviction, pay a forfeiture between

\$75.00 and \$200.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense.

(D) Compliance. Compliance with the provisions of this Ordinance may also be enforced by injunction after commencement of suit by the Town of West Point. It shall not be necessary to prosecute a forfeiture action before resorting to injunctive proceedings.

(E) Performance By Town. When the Town or its designee has determined that a landowner or land user has failed to obtain a permit as required by this Ordinance, or that the holder of a permit issued pursuant to this Ordinance has failed to make the improvements or to follow the practices as approved as a condition of the permit or this Ordinance, the Town or its designee may enter upon the land and perform the work necessary to bring the driveway into conformity with the permit or to restore the land to its pre-existing condition in the event that a permit has not been issued. The Town or its designee shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special tax against the property pursuant to Section 66.0703, Wis. Stats. Notwithstanding this authority, nothing herein shall impose any liability upon the Town for any purpose for failing to undertake such work at any time.

History Note: Adopted 4/11/95; amended 11/4/99, 11/1/01.

SECTION 12.30 NO PARKING ZONES ON TOWN ROADS

Section 12.31

No person shall stop or leave standing any vehicle at any time on either side of all Town roads between the hours of 9:00 p.m. and 5:00 a.m., central standard time, except as provided by Section 346.50, Wis. Stats.

Section 12.32

The Town Chairman or a designee is hereby authorized and directed to procure, erect, and maintain appropriate standard traffic signs and markings conforming to the rules of the state highway laws giving such notice of Section 12.31 of this ordinance as required by law.

Section 12.33

Any person violating Section 1 of this ordinance may be required to forfeit not less than \$20.00 nor more than \$40.00 for the first offense and not less than \$50.00 nor more than \$100.00 for the second and subsequent convictions within a year, together with the costs of prosecution, penalty assessments, and other charges as provided by Wisconsin Statutes.

History Note: Adopted 8/4/88.

SECTION 12.40 ROAD NAMES

Section 12.41 Town Roads

In accordance with Sec. 81.01(11), Wis. Stats., which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the attached plat are hereby assigned. (see Appendix 12.41A).

APPENDIX 12.41A
TOWN ROAD NAMES