

Town of Winchester
Winnebago County, Wisconsin

Ordinance 2020-03

**Chapter 19: Access Control / Driveway
& Culvert Regulations**

Adopted by Town of Winchester Board of Supervisors
on July 6, 2020
Amended on September 20, 2021

**CHAPTER 19
ACCESS & DRIVEWAY REGULATIONS
TOWN OF WINCHESTER**

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ARTICLE I: GENERAL

19.01 Authority. This Chapter is adopted under the authority granted by Chapters 60.01, 60.10, 60.22, and 61.34, 66.0425, 86.0, and 236, Wis. Stats.

19.02 Purpose. The Purposes of this Chapter are to:

- (1) Regulate the establishment, construction, improvement, modification, or reworking of an Access and Driveways to assure that the site, method of construction, and conservation practices used will promote the public health, safety, and general welfare of the community, and to enforce the goals and policies set forth in the Town of Winchester Comprehensive Plan, as adopted and amended from time to time, and to limit and regulate Access by Vehicles to any Town Roadway or Road right-of-way.
- (2) Promote the safe and efficient ingress and egress to Town Roadways in the interest of public safety, convenience and general public welfare; to protect the public investment in Roads by preventing premature function obsolescence; to reduce accidents caused by frequent and poorly designed Access and Driveways; promote the balanced use of land for the mutual protection of landowners, operator/driver, and the Town of Winchester; to enhance the Road appearance for making Town Roadway travel more pleasant.
- (3) Ensure proper and effective drainage in rights-of-way is maintained

19.03 Adoption of Ordinance. The Town of Winchester Board of Supervisors (hereafter, the Town Board), by this Chapter, on the proper notice with a quorum and roll call vote of the majority of the Town Board present and voting, provides the authority of the Town to require and permit certain Access and Driveway location, design, and construction in the Town and on Town Roadways.

19.04 Definitions. For the purposes of this Chapter, the following words are defined:

- (1) Access/Driveway, Agricultural/Field/Recreational. A 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 Town Roadway and will provide access to Agricultural Land or other adjacent vacant land for ingress and egress purposes only.
- (2) Access/Driveway, Business/Commercial/Industrial. A 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 Town Roadway, and will provide access for commercial vehicles or for commercial purposes, serving a business establishment.
- (3) Access/Driveway, Residential. Any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land, or land sub-division, that connects or will connect with any public Town Roadway, and will provide Vehicular access from the Town Roadway to single and multiple family homes, apartments, condominiums, townhouses, etc.
- (4) Agricultural Land. 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 program.
- (5) Emergency Vehicle. Any fire, police, ambulance or first responder vehicle used in emergency or hazard activities in the Town.
- (6) Impacted Landowner. An owner of real estate that is provided Vehicular access to a Town Roadway by an Access/Driveway determined to be unsafe.
- (7) Material. Unwanted items disposed of; illegal dumping or distribution of hazardous waste, solid waste in any form, including manure, trash, chemicals, unsightly obstacles, plowed or pushed snow piles, and any other unnatural obstacle.
- (8) Plan Commission. Governmental body of the Town of Winchester, appointed by the Town of Winchester Board of Supervisors, to review and advise the Town of Winchester Board of Supervisors

on matters of zoning, property usage, and land divisions.

- (9) Road/Roadway/Street. A way or thoroughfare, except a waterway, that is used for Vehicular travel by the public.
- (10) Town. The Town of Winchester, Winnebago County, Wisconsin.
- (11) Town Board. The Board of Supervisors for the Town of Winchester, Winnebago County, Wisconsin and includes any designee of the Town Board authorized to act for the Town Board.
- (12) Town Building Inspector. The individual hired by the Town Board to act in this capacity.
- (13) Town Chairperson. The Chairperson of the Town of Winchester, Winnebago County, Wisconsin.
- (14) Town Clerk. The Clerk of the Town of Winchester, Winnebago County, Wisconsin.
- (15) Trail Access. The access from the Town Roadway to a public recreational trail.
- (16) Vehicle/Vehicular. A powered device, either by motor or animal, used to transport something.
- (17) Wis. Stats. The Wisconsin Statutes, including successor provisions to cited statutes.

19.05 Maintenance. All maintenance of driveways and culverts is the responsibility of the landowner. If a culvert impedes the flow of water in the Road ditch a town officer will notify the landowner to correct the situation within 60 days of notice. In case of inclement weather this time frame may be extended.

19.06 through 19.09 Reserved for future use.

ARTICLE II: ACCESS CONTROL

- 19.10 Purpose and Intent.** The purpose of this Chapter is to promote the safe and efficient ingress and egress to Town Roadways in the interest of public safety, convenience and general public welfare; to protect the public investment in Roads by preventing premature function obsolescence; to reduce accidents caused by frequent and poorly designed Access and Driveways; promote the balanced use of land for the mutual protection of landowners, operators/drivers, and the Town of Winchester; to enhance the Road appearance for making Roadway travel more pleasant.
- 19.11 Jurisdiction.** These regulations shall apply to all Access/Driveways connecting to Town Roads.
- 19.12 Compliance.** Any person, firm, corporation, municipality or other entity seeking Access from lands abutting Town Roadways shall comply in all respects with the requirements of this Chapter and the following:
- (1) Applicable Town ordinances and regulations.
 - (2) The Town of Winchester Comprehensive Plan, as adopted and amended from time to time.
 - (3) Any Town of Winchester Official Map.
- 19.13 Right of Access.**
- (1) Each existing parcel of land abutting a Town Roadway at the time of enactment of this Chapter shall be entitled to private Access when in compliance with the provisions of this Chapter.
 - (2) After the enactment of this Chapter, an approved *Access & Driveway Permit* shall be required for new Access to any Town Roadway from lands abutting such Town Roadway.
- 19.14 Approval Necessary for Obtaining Access.**
- (1) No entrance upon or departure from a Town Roadway shall be allowed without an approved Town *Access & Driveway Permit*
 - (2) No public Street or Road shall be opened into or connected with any Town Roadway under this Chapter or converted from a private Access, a Field Access or a Trail Access to a public Access without review by the Town of Winchester Plan Commission (the Plan Commission) and approval by the Town Board or its designee. Such approval shall be given only if the public interest shall be served thereby, and it shall specify the terms and conditions on which such approval is given.
 - (3) No Access may be opened into or connected to a Town Roadway under this Chapter without an approved *Access & Driveway Permit*. Such approval shall be given only if the public interest is served, and it shall specify the terms and conditions on which such approval is given. In the interest of public health, safety and general welfare, the Town Board may at any time revoke this approval or require modification of the Access/Driveway. The Town *Access & Driveway Permit* granted by the Town shall be for private Access, Field Access, or Trail Access only and this permit cannot be transferred between those different uses. A new permit must be approved if a use changes or if another use is added.
- 19.15 Existing Points of Access.** All existing Driveways may be continued after the adoption of this article.
- 19.16 Change of Use.** Any Access/Driveway permitted under this Chapter shall be subject to review by the Plan Commission and/or the Town Board. After such review, it may be determined that there has been a change in use which will affect safe and efficient ingress and egress to a Town Roadway. This determination shall be based primarily on significant change in volume of traffic or the type of Vehicle using that Access/Driveway. Upon such determination, the Plan Commission and/or the Town Board may require modifications to the Driveway to meet the standards and specific provisions otherwise identified herein.

- 19.17 Spacing and Frequency.** (A) Only one Access/Driveway shall be permitted for each parcel of land unless 19.17 (C) of this chapter applies. When a parcel abuts two or more Town Roadways, the Plan Commission and/or the Town Board will determine to which Road Access shall be provided. (B) Driveways shall not be closer than 200 feet along a through-going Town Road whenever possible. When conditions including but not limited to topographical features or land divisions meeting the requirements of the Town of Winchester Chapters 17 and 18 are prohibitive to the 200-foot separation requirement, the Plan Commission will review and make a recommendation to the Town Board to allow a closer separation distance, which in all circumstances will maximize the available distance to promote the safe and efficient ingress and egress to Town Roads. Public Safety is in all cases paramount and the 200-foot separation is required if reasonably possible. Closer distances are permitted at the discretion of the Town Chairperson or his/her designee around cul de sacs and along the last 200 feet to the termini of dead-end roads. (C) Closer distances and multiple Access/Driveways may be permitted for development(s) requiring a Site Plan Review according to the Town of Winchester Chapter 17 Zoning Regulations Section 17.50(2) and receiving Plan Commission approval based on the Town of Winchester Chapter 17 Zoning Regulations Section 17.50 Site Plan Review.
- 19.18 Design.** The design of Driveways shall meet requirements for appropriate sight distance, return radius, angle, profile, width, parking and internal circulation and shall be based on minimum standards of the American Association of State Highway and Transportation Officials, the National Cooperative Highway Research Program Report No. 93, "Guidelines for Medial and Marginal Access Control on Major Town Roadways," and Sections Trans 231.03 to 231.07, Wis. Adm. Code, and shall comply with the provisions of the Town *Access & Driveway Permit* issued by the Town Chairperson or his/her designee. In locating Driveways along Town Roadways, consideration shall be given to the alignment of the proposed intersecting Driveways directly across from each other in order to facilitate safe and efficient flow of traffic.
- 19.19 through 19.29 Reserved for future use**

ARTICLE III: CULVERTS AND DRIVEWAYS

- 19.30 Culverts and Driveways Required.** No person, partnership, company, or corporation shall, by means of a Vehicle, enter or cause to enter any parcel or parcels of land from any Town Roadway unless a culvert and Driveway has been provided for said parcel or parcels of land, unless deemed unnecessary by the Town Chairperson or his/her designee. If a field is entered where no Access/Driveway is designated and there is damage to the Road or the Road right-of-way, the owner(s) of the property is responsible for repair of said damage to the Town Roadway and/or the Road right-of-way.
- 19.31 Installation Requirements.** All Access/Driveways installed, altered, changed, replaced, or extended shall meet the following requirements as to design, use, and location; and must receive preconstruction approval and permits.
- (1) A plan showing adequate erosion control measures is required for any segment of the proposed Access/Driveway which disturbs land with a grade of more than ten percent.
 - (2) Access/Driveways shall be:
 - (a) For Residential properties: a minimum of 24 feet at the edge of a Town Roadway and 20 feet at the edge of the right-of-way; and a maximum of 35 feet at the edge of a Town Roadway and 30 feet at the edge of the right-of-way.
 - (b) For Agricultural/Field/Recreational properties, a minimum of 35 feet at the edge of a Town Roadway and 20 feet at the edge of a right-of-way.
 - (c) For Business/Commercial/Industrial properties, a minimum of 50 feet at the edge of a Town Roadway and 35 feet at the edge of the right-of-way.
 - (3)
 - (a) No driveway shall be located closer than 25 feet to the intersection along a Town Road within the Town Center as defined by the Rural Residential Overlay District, Town of Winchester Chapter 17.38
 - (b) No driveway shall be located closer than 75 feet to the intersection along a Town Road that ends in a dead end or cul de sac
 - (c) No driveway shall be located closer than 200 feet to the intersection along a through-going Town Road
 - (4) Access/Driveways must be located at least 10 feet from lot lines or extensions thereof unless they are shared under the provisions of 19.32 of this Chapter.
 - (5) Any overhead obstruction shall be at least 14 feet high and set back at least 10 feet from the Town Roadway right-of-way.
 - (6) No Driveway apron shall extend out into the street farther than the near edge of the Town Roadway pavement and under no circumstance shall such Driveway extend above any road pavement. All Access/Driveway entrances and approaches shall be constructed as to not interfere with the drainage of streets, side ditches, or Town Roadway areas or with any existing structure on the right-of-way.
 - (7) Access/Driveways shall in all cases be placed wherever possible as not to interfere with existing utilities. Any costs for relocation of utilities shall be the responsibility of the property owner(s). Approval by the Town is required for relocation of utilities.
 - (8) Access/Driveway pavement materials within the Town right-of-way shall be compatible with adjacent Town pavement material, limiting it to crushed gravel, crushed rock, or bituminous products. Concrete pavement shall end a minimum of 10 feet from the Town Roadway pavement. Oil or petroleum products shall not be used in right-of-way areas where it can be tracked onto and effect a Town Roadway. The bottom course of the Access/Driveway must be constructed of a minimum of six inches of crushed gravel. In no case shall the granular material or subsequent permanent surfacing be constructed higher than the adjacent Town Roadway.
 - (9) Only one Access/Driveway shall be permitted for each parcel of land unless 19.17 (C) of this chapter applies. When a parcel abuts two or more Town Roadways, the Plan Commission and/or the Town Board will determine to which Road Access shall be provided.
 - (10) All Culverts shall meet the following requirements:

- (a) All culverts must have endwalls to prevent erosion around the end of the culvert.
- (b) Culverts shall be a minimum 18" in diameter or a 15" x 21" arch unless special conditions warrant an alteration in diameter. Any reduction in diameter shall be subject to Plan Commission and/or Town Board review and approval.
- (c) The slope of the ground from the edge of the driveway to the bottom of the road ditch shall not be greater than 1:3 (33%) unless a retaining wall is provided.
- (d) Culverts shall be of sufficient length to accommodate the slope of the ground on each side of the driveway.
- (e) When the upstream or downstream culverts are larger than 18" in diameter, the diameter of the new culvert shall be the average of the two culverts or equal to the larger.
- (f) All culverts shall be installed with the flow line of the culvert at the flow line of the right-of-way.

19.32 Regulation for Construction of Access/Driveway to Service More Than One Parcel of Land.

- (1) No person partnership, company, or corporation shall construct or permit to be constructed within the Town any Access/Driveway arranged or planned to serve more than one parcel of land used for residential purposes unless approval shall first be obtained from the Plan Commission and/or the Town Board, following review and recommendations (location, width, and general plans) for such Access/Driveway.
- (2) No more than two private residences shall be served by a single Access/Driveway.

19.33 through 19.49 Reserved for future use

ARTICLE IV: COVERAGE**19.50 Permit Required**

- (1) No person may establish or construct an Access/Driveway or reconstruct, reroute, or alter the existing slope of any existing Access/Driveway or any Town Road right-of-way in the Town in relation to the connection of the Town Road or Town Road right-of-way to an Access/Driveway, whether new or previously existing, without first obtaining a Town Access & Driveway Permit to be issued by the Town Chairperson or his/her designee.

19.51 Legal Interest. Any person prior to and at the time of seeking a Town Access & Driveway Permit must own or have a legal interest in and current legal Access to the land to which the permit(s) will apply.

19.52 Requirements.

- (1) Commencing after the effective date of this Chapter and upon receipt of written Notice from the Town, no landowner may maintain or use, or allow the maintenance or use of any existing Access/Driveway on the landowner's property for general public or Emergency Vehicle access to and from a residential dwelling in the Town if the Access/Driveway, for any structural, location, or design reasons, has been determined by the Town Board or its designee, to substantially limit or negate safe and timely Vehicle access and travel of general public or Emergency Vehicles to and from the residential dwelling served by the Access/Driveway.
- (2) The Town Board shall serve upon any potentially Impacted Landowner a copy of its written determination that an Access/Driveway substantially limits or negates safe and timely Vehicle access and travel to general public or Emergency Vehicles to and from the residential dwellings served by the Access/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 Chapter 985, Wis. Stats., of the public hearing.
- (3) The 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(s) within twenty days of the making of the written determination and at least ten days prior to the public hearing date. The notice shall include the names of all Impacted Landowners and the location of the subject Access/Driveway in that due to existing condition of the Access/Driveway, Emergency Vehicle access to the dwellings served by the subject Access/Driveway may not be possible.
- (4) Any potentially Impacted Landowner(s) may provide at the public hearing evidence regarding Access provided by and condition of the Access/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 shall vote as a member of the Town Board in making a final determination regarding the subject Access/Driveway.
- (5) The Town Board, at or after the hearing, may order that the Town Attorney seek a court order providing any of the following:
 - (a) The Access/Driveway be closed for Vehicle use, but not closed to Emergency Vehicle use, until the Access/Driveway is structurally designed and reconstructed to allow for safe and timely general public and Emergency Vehicle access to and from the residential dwelling(s) served by the Access/Driveway.
 - (b) That the Access/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 dwelling(s) served by the Access/Driveway in a proper manner and in reasonable time specified by the Town Board and if the Access/Driveway is not so reconstructed or repaired by the date specified,

the Town Board may have the Access/Driveway repaired or reconstructed and the cost to do so shall be assessed as a special assessment under its police powers under Chapters 66.0701 and 66.0703, Wis. Stats., against the land.

- (c) Other reasonable and necessary action that will serve to protect the public health and safety of persons within the Town, including the owner, occupant or guest of the owner of the land.

19.53 through 19.69 Reserved for future use

ARTICLE V: APPLICATION / PERMIT PROVISIONS

19.70 Application Process. A completed *Town Access & Driveway Permit* Application, Site Plan, and applicable Fee(s) shall be submitted to the Town Clerk. The Town Chairperson or his/her designee shall review and approve or deny complete Applications submitted to the Town Clerk within 10 days of submission.

- (1) **Application.** A *Town Access & Driveway Permit* Application form shall be available from the Town Clerk.
- (2) **Site Plan.** The Applicant shall submit a Site Plan which shall include the following:
 - (a) **Sketch Map.** A sketch, drawn on a Plat Map, Certified Survey Map, or other representation of the property showing the location of the proposed Access/Driveway to a Town Roadway. The sketch map need not be prepared by a surveyor but shall be approximately to scale and shall show set back dimensions from property lines as well as dimensions and locations of improvements, if any.
 - (b) **Access/Driveway and Culvert Plan.** An Access/Driveway and culvert plan, as required and consistent with Article III of this Chapter.
 - (c) **Other Documents.** Any other documents as required by the Town Board or its designee and/or Plan Commission as deemed necessary to fully review the proposed Access/Driveway location.
- (3) **Fee/Fees.** Fees shall be paid to The Town of Winchester according to the Town Board approved Town of Winchester Fee Schedule.

19.71 Access & Driveway Permit.

- (1) An *Access & Driveway Permit* shall expire one year from the date of issuance if evidence of use has not been established within that time.
- (2) Upon issuance of a permit, the Access/Driveway shall be inspected during and after construction by the Town Chairperson or his/her designee.
- (3) Upon a determination of violation, and following a public hearing, the Town Board may revoke the *Access & Driveway Permit(s)*.

19.72 Data Requirements. The Town Board may require submission of a scale drawing showing the property lines, the topography, streams, lakes and ponds, marshes and the location of the existing and proposed buildings and structures, together with engineering data as deemed necessary for the design of a requested Access/Driveway.

19.73 Review and Decision.

- (1) Procedures for the evaluation of the complete Application for an Access/Driveway, including any required site inspection and Plan Commission and/or Town Board meetings, are as follows:
 - (a) No person shall commence construction of any or other Access to a Town Roadway prior to issuance of an *Access & Driveway Permit*.
 - (b) The Town Chairperson or his/her designee shall review the Application and Site Plan, including Sketch map, to determine whether the proposed Access/Driveway is consistent with this Chapter.
 - (c) The Town Chairperson or his/her designee shall make arrangements with the Applicant(s) to view the proposed location and, if necessary, identify any alternative location.
- (2) The Town Chairperson or his/her designee may, as a condition of issuance, place specific restrictions or conditions on the *Access & Driveway Permit*, which shall require compliance by the Applicant(s).

19.74 Reasons for Denial.

- (1) Reasons for denying an *Access & Driveway Permit* may include, but are not limited to:
 - (a) The inconsistency or nonconformance of the proposed *Access/Driveway* with this Chapter, with any existing Town Comprehensive Plan, or land use plan, with Town ordinances, rules, regulations, or plans, or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.
 - (b) The *Access/Driveway* when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the Town.
 - (c) The application as filed and submitted is incomplete or contains false material as determined by the Town Chairperson or his/her designee.
 - (d) An alternate *Access/Driveway* location will be safer for Vehicle ingress or egress.
 - (e) An alternate *Access/Driveway* location will preserve or better protect agricultural land in the Town.
 - (f) An alternative *Access/Driveway* location 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 or near the proposed *Access/Driveway*.
 - (g) The proposed *Access/Driveway* will not provide timely and adequate ingress and egress for Emergency Vehicles.
- (2) In the event of a denial of an *Access & Driveway Permit*, the Town Chairperson or his/her designee shall recite in writing the particular facts upon which the denial of the permit is based. The Town Chairperson or his/her designee shall also afford the applicant(s) an opportunity to review the decision and present evidence at a public hearing after a class 2 notice under Chapter 985.07, Wis. Stats., of the hearing to the Town Board refuting the determination. Thereafter, the Town Board may affirm, reverse or modify the decision. The Town Board shall recite in writing findings for any decision to modify or reverse the initial determination.
- (3) If the Town Chairperson or his/her designee denies two consecutive applications for an *Access & Driveway Permit* on the same parcel, no subsequent re-application for a permit of the same type that was denied for that parcel will be considered within six months of the second denial.
- (4) The Town *Access & Driveway Permit* is effective for 12 months from the date of issuance.
 - (a) If the *Access/Driveway* has not been constructed within 12 months of issuance, a new application process and review must be completed.
- (5) The applicant shall notify the Town Clerk within 30 days of completion of the construction, reconstruction, rerouting, or alteration of the *Access/Driveway*. The Town Chairperson or his/her designee will conduct an inspection of the *Access/Driveway* to ensure full compliance with all permit conditions and provisions of this Chapter.
- (6) No building permit for any construction of buildings or structures will be issued by the Town until the *Access/Driveway* has been completed and is determined to be in full compliance with all of the permit conditions and provisions of this Chapter.
- (7) An application Fee that is non-refundable in an amount determined by the Town Board and posted in the Town of Winchester Fee Schedule will be charged for each application.
- (8) Fee(s) are waived for existing *Driveway/culvert* replacement/reconstruction.
- (9) Replacement/reconstruction must comply with the requirements of this Chapter and any conditions as determined by the Town Chairperson or his/her designee.
- (10) The Town Chairperson or his/her designee shall have the right of inspection onto land for the purpose of inspecting existing or proposed *Access/Driveways* to determine if the *Driveway* will allow for the safe and timely travel by Emergency Vehicles or Vehicles of the general public.

19.75 Appeals and Variances.

- (1) Any person aggrieved by an order, requirement, or interpretation made by the Town Chairperson or his/her designee under this Chapter may appeal such decision to the Town of Winchester Town Board.
- (2) Any person aggrieved by an order, requirement, or interpretation made by the Town of Winchester Town Board may appeal such decision to the Town of Winchester Board of Appeals under and consistent with the procedures specified in Chapter 17: Zoning Regulations of the Town of Winchester Code of Ordinances.

19.76 through 19.79 Reserved for future use.

ARTICLE VI: CONSTRUCTION PLAN OR ROAD ACCESS PLAN

19.80 Requirements. The Town Chairperson or his/her designee may in writing require an Access/Driveway construction plan or Road Access plan prior to any proposed Access/Driveway or Road Access construction, reconstruction, rerouting, or alteration. An Access/Driveway construction plan is required for any of the following unless the requirement is waived by the Town Board in writing:

- (1) An Access/Driveway or segment of an Access/Driveway that requires a retaining wall or other special erosion control measure as determined by the Town Chairperson or his/her designee and prior to any permit issuance.
- (2) An Access/Driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
- (3) When construction or modification of the Access/Driveway necessitates construction or improvement of a bridge or culvert.
- (4) When the Town Chairperson, in writing, requests an Access/Driveway construction plan or Town Roadway Access plan.

19.81 Plan. An Access Plan, consistent with Article VI of this Chapter, is required for all sections of any proposed Access/Driveway by the applicant(s) that will enter onto a Town Roadway or Road right-of-way.

19.82 Additional Requirements. If required by the Town Chairperson or his/her designee, an Access/Driveway construction plan or Road Access plan will include a scale plan showing all of the following:

- (1) Location. The precise location of the Access/Driveway or the segment of the Access/Driveway for which the Access/Driveway construction plan is required, including the width and length of the Access/Driveway.
- (2) Retaining Walls. The location and structure of any retaining walls.
- (3) Bridges. The location, size, and design calculations of any bridges.
- (4) Culverts. The location, size, and design calculations of any culverts.
- (5) Cross-section. Typical cross sections of the Access/Driveway.
- (6) Erosion Control. Required mulching, matting, or other erosion control as specified by the Winnebago County Zoning Department or any other Department or Agency with jurisdiction.
- (7) Storm Water Management. Drainage methods engineered for the surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of Access to the Town Roadway.
- (8) Other Access Points. The location of any other Access points onto the Town Roadway within one mile of proposed Access point.

19.83 Construction. No construction, reconstruction, rerouting, or alteration of an Access/Driveway nor construction of an Access/Driveway onto a Town Roadway or Road right-of-way may commence until all of the following conditions are met:

- (1) The Access/Driveway construction plan or Access plan, if required, is approved by the Town Board or its designee.
- (2) An *Access & Driveway Permit* is issued by the Town.
- (3) When applicable, any other necessary approval is obtained from Winnebago County or the State of Wisconsin.
- (4) The Town Chairperson or his/her designee shall, when applicable, seek review and comment from the fire chief, or deputy, regarding the proposed Access/Driveway and whether such proposed Access/Driveway will allow for adequate and timely Emergency Vehicle access and other equipment access to buildings and structures within the premises.

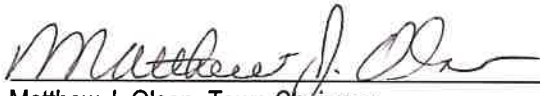
- (5) The preparation of an Access/Driveway construction plan or Access plan does not guarantee the approval of an *Access & Driveway Permit* by the Town.
- (6) As a condition of any *Access & Driveway Permit*, the Access/Driveway shall be constructed and maintained by the owner(s) or occupant(s) to ensure safe, timely, and proper access and travel by Emergency Vehicles.
- (7) The approval of an *Access & Driveway Permit* by the Town does not constitute a determination that the Access/Driveway is safe, suitable for use or otherwise passable for Vehicles of the general public or for Emergency Vehicles, that the public access and travel is authorized, or that the applicant(s) or permittee(s) is in compliance with this Chapter. No person may rely on the issuance of an *Access & Driveway Permit* to determine that an Access/Driveway, bridge, culvert, or Access location is fit or safe for any purpose or that they are in compliance with this Chapter or any State or County laws or ordinances.
- (8) The approval of an *Access & Driveway Permit* does not establish or commit the Town to future approval of any Access/Driveway as a public Road.

19.84 through 19.89 Reserved for future use

ARTICLE VII: VIOLATIONS, PENALTIES, SEVERABILITY, AND EFFECTIVE DATE

- 19.90 Violations and Penalties.** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture of not less than \$200 or more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.
- 19.91 Severability.** If any provision of this Chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Chapter that can be given effect without the invalid provision or application, and to this end, the provisions of this Chapter are severable.
- 19.92 Effective Date.** Following passage by the Town Board, this Chapter shall take effect the day after the date of publication or posting as provided by Chapter 60.80, Wis. Stats.

ADOPTED this 20th day of September 2021.



Matthew J. Olson, Town Chairman

ATTEST:



Holly Stevens, Clerk

Publication Date: September 27, 2021

Effective Date: September 28, 2021