

ORDINANCE NO. 2021-1025
TOWN OF RUSH RIVER
DRIVEWAY & FIELD ACCESS ROAD & FIRE NUMBER
ORDINANCE

An Ordinance to establish minimum standards for parks, to establish minimum driveway and access road design standards and procedures to acquire a fire number.

WHEREAS the Town Board of the Town of Rush River, St Croix County, Wisconsin, has statutory authority pursuant 66.062 Stats. And Chapters 143, 144, 146 and 823, Stats. And pursuant to its adoption of Village Powers under 60.10, Stats. And

WHEREAS, the Town Board of the Town of Rush River, in order to promote the health and safety of persons in the Town, and to promote safety; does hereby establish driveway and access road minimum design standards and procedures to acquire a fire number.

NOW THEREFORE, The Town Board of the Town of Rush River do ordain as follows:

Section 1 Private Access Roads.

(1) **PERMIT REQUIRED**, no access road or driveway providing ingress or egress to a Town road shall be hereafter constructed, altered, or removed without first obtaining a permit from the Town Board.

(2) **APPLICATION**, (a) **Driveway Access**, All Building hereafter erected or moved into the Town shall have uninterrupted driveway access to said building from a public road, which driveway or access road shall meet the requirements of this section. The driveway may connect with other private connecting driveways or access roads prior to connection with public road, but the other private connecting driveways must also comply with the section.

(b) **Altered Roads**. This section shall apply to all new driveways and access roads, and all driveways and access roads hereafter altered, which are intended to serve a building. Alteration of a driveway or access road includes the laying or replacement of culverts or bridges, and the widening and lengthening of the driveway. Where a building is erected or altered, or a new building created, served by an existing driveway, said driveway shall comply, or be so altered so as to comply, with this section.

(c) **Definitions**. As used in this Section 1 the following terms shall have the definitions given below:

1. "New driveways" and "access roads" refer to newly installed driveways and access road which serve.

(d) Variance. where, because of practical necessity or impossibility, it appears the owner of an existing access road or driveway cannot improve his road to meet the conditions of this section, and where this section would require such improvements because of alterations to a building increasing its value by more than one third, the Town Board may in its discretion grant a variance to allow the alterations and/or improvements to the building with such modifications or improvements to the existing driveway or access road, culverts or bridges as the Town Board may direct.

(3) MINIMUM STANDARDS FOR CONSTRUCTION. Prior to the granting of the permit, the applicant shall submit plans for construction which satisfy the following minimum standards:

(a) Design.

1. The access road shall be so designed as to avoid an unreasonable interference with the natural flow of water. The first 20' of the access road from the edge of the highway shall be near level or slightly lower than the highway in order to assure that water from the access road does not run on to the traveled portion of the highway. Flooding of the surface of the Town road in any manner shall create a presumption of unreasonable interference.
2. Access roads shall have a minimum of 5" of crushed rock and shall be placed no closer than 10' from the lot line, as measured from the lot line to the nearest edge of the shoulder of the access road.
3. Access road slope shall be no greater than 10% unless documentation is obtained from design engineers or the fire department and ambulance service, stating that the slope will not affect public or private safety in providing emergency services.

(b) Intersection. The access road shall intersect with the Town road at a right angle.

(c) Culvert. Culvert must be adequate for drainage. The culvert shall be installed at the same grade as preexists such installation and have a minimum diameter of 18" if the terrain permits. The culvert shall have end walls.

(d) Side-to-Side Clearance. All access roads shall have a minimum side-to-side width clearance of 20', a minimum road base width of 16' and a

minimum driving surface width of 12'. Such roads shall be constructed so as to sustain a minimum weight load of 25 tons.

(e) Driveway Access and Vision Clearance. Driveway access shall be at least 100' from any state, county, or town intersection and 200 feet from any other driveway access. There shall be a clear and unobstructed view 500 feet in either direction along the intersecting Town Road from the edge of the driveway. Driveway owners are responsible for trimming trees and bushes to maintain clearances for emergency access. Recommended clearances are 13.5 feet of vertical clearance and 20 feet of horizontal clearance.

(f) Dead ends. Access roads and driveways in excess of 300' in length, and which terminate in a dead-end, shall have a 13 ½' height clearance and terminate at a turn around with either a minimum 90' diameter or sufficient area and design to enable the turn around of a tandem axle truck. In calculating driveway length hereunder, there shall be counted the length of the new or altered driveway, together with any other access road or driveway it connects or intersects enroute to the Town road or other public highway.

(g) Improvements. Improvements required under this section must be completed before commencement of work of improvement or construction of any building.

(h) Variances. Variances for a good cause may be granted as to the above standards. Application for such variances shall be made to the Town Board through the Town Clerk.

(i) Crop Land. In order to preserve agricultural land, the Board may require location of any permitted residential access road or driveway along field ravines and fence lines.

(j) Agricultural Field Access. A field road requires a permit. To qualify for an Agricultural Field Access Permit, the road cannot lead to a building or building site and it is in compliance with subsection (a) above. If a building is later proposed, a driveway permit must be obtained, and the driveway reconstructed to comply with Town code.

(k) Erosion Control. The owner shall comply with all erosion control requirements imposed by Town, County, or State Law.

(l) Set Back Requirements. The minimum setback will be 83ft from the center of the Town Road. The minimum setback for State or Federal roads is 150ft.

- (4) APPLICANT TO PAY ALL EXPENSES. All expenses of construction, reconstruction, alteration or removal of any access road and all expenses of repair or redesign of the Town road necessarily caused by any access road shall be the liability of the applicant. Any and all roads constructed by Landowner after July 1, 2010, which will be turned over to the Town of Rush River, shall follow the most current prevailing wage laws (Stat. 66.0903). Documentation of compliance shall be presented to and approved by the Town Board before road responsibilities are assumed by the Town of Rush River.
- (5) BOND. The Town Board may, in its discretion, require the applicant to furnish the Town an indemnification bond in an amount equal to the reasonable expenses contemplated by the Town by the reason of the issuance of the permit. The sufficiency of the indemnification bond shall satisfy the sole discretion of the Town Board.
- (6) FIRE NUMBER- Each new residence is required to obtain a fire number from the Town Chairman.

(7) FEES FOR DRIVEWAY PERMITS AND FIRE NUMBER

These fees shall be set by the Town Board from time to time and be on file in the office of the Town Clerk and Town Chairperson.

Driveway Permits	\$50.00
Field Access Road Permit	\$25.00
Fire Number	\$65.00

Section 6 ENFORCEMENT AND PENALTIES

- (1) This Ordinance shall be enforced by the Town Board of Rush River, the Town Permit authority or the State Building Inspector or their designee.
- (2) Any person, organization or corporation violating this Ordinance shall be subject to a forfeiture of \$100.00, plus Court costs and costs of prosecution. Each day a violation continues shall constitute a separate offense.

Adopted this 10th day of November 2021

**Town of Rush River
St Croix County, Wisconsin**

By: Donald E. Schumacher
Donald E. Schumacher
Town Chairman

Attest: Sandi Hazer
Sandi Hazer
Town Clerk

Approved: Randy Stillings
Randy Stillings
Supervisor

Jamie DuBois
Jamie DuBois
Supervisor

I, Sandi Hazer, upon adoption of this Ordinance by the Town Board, did on the 10th day of November 2021, post same in the following three places

1. Clerk's House
2. Chairman's House
3. Town Hall

Sandi Hazer, Clerk Sandi Hazer