

TOWN OF MECAN

DRIVEWAY CULVERT ORDINANCE 04-20-2021 *plus* AMENDING ORDINANCE 01-08 *and* AMENDMENT 01-2020

- 1.0 Purpose:** The purpose of this ordinance is to assure a uniform and proper type, size, installation Method and fill material for culvert installations within the Town of Mecan.
- 2.0 Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any 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.
- 3.0 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 or interpretation shall apply.
- 4.0 Severability:** 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.
- 5.0 Applicability:** The requirements of this ordinance apply to all persons living and or owning property within the Town of Mecan.
- 6.0 Administration:** The provisions of this ordinance shall be administered by the Mecan Town Board unless a committee is appointed by said Board, to administer the provisions herein.
- 7.0 Effective Date:** The provisions of this ordinance shall take effect upon publication. This ordinance shall apply to all new installations, shall also apply to all replacement installations and all driveways which require a culvert pursuant to this ordinance.
- 8.0 Driveway Permit Required:** Any driveway in the Town of Mecan that has a drainage ditch running parallel with the road bed must have a culvert. No person shall establish or construct a driveway or reconstruct, reroute, or alter the existing slope or highway, street, road access of any existing driveway or any town of other highway, street, road right-of-way in the town without first obtaining a Town Driveway Permit and submitting the proper driveway permit fee. Any person prior to and at the time of seeking a Town Driveway Permit or a Town Highway, Road Way or Street Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.
- 8.01** No person shall construct or maintain any driveway across any ditch, sidewalk or curb or enter any road without first obtaining a culvert permit from the Town of Mecan.
- 8.02** There shall be a fee for any culvert permit issued pursuant to the terms of this ordinance and set by resolution.

8.03 No building permit shall be issued nor excavation begun, where a culvert will be installed, unless prior thereto a permit for proper size and type of culvert first be obtained from the proper Town authorities.

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

9.01 Only new galvanized steel culverts shall be allowed for installation in the Town of Mecan.

9.02 Only one-piece, factory manufactured culverts of proper size be allowed for installation in the Town of Mecan.

9.03 The minimum diameter of any culvert, regardless of placement location, shall be 15-inches or arched (oval) equivalent unless the need for a culvert has been waived or an alternate size has been approved by the Town Board or Town Board designated representative. Further, the culvert must extend one foot past each end of the driveway.

9.04 All driveways must be at least twelve (12) feet wide and have height clearance of at least twelve (12) feet.

10.0 Method of Installation and Procedure: Culvert installation must be performed in the Town of Mecan road right-of-way and designated easements, and therefore, in all cases and regardless of who is paying for the installation of the culvert, the installation of the culvert must be inspected and approved by the Town of Mecan Board of Supervisors or duly appointed Representative to assure proper and uniform installation.

The property owner may elect to have his/her culvert installed by a contractor of their choice or he/she may contact a member of the Town Board for suggestions and referrals.

10.1 The property owner must notify the authorized Town of Mecan representative that the installation of a culvert is requested and shall prepare and submit the proper application forms.

10.2 The property owner shall place two markers, 30-feet apart and within the ditch line, at the location where he/she wishes the culvert to be installed.

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

10.4 The owner selected contractor shall purchase and install the proper size culvert to include at least one load of stone. Additional stone required to bring the entrance up to grade may be furnished by the owner or a different contractor; however, the type of cover must be ¾-inch crusher run stone.

10.5 All culverts and endwalls (if required) must be set at the time of culvert installation by the selected contractor. If excavation of the ditch is necessary to ensure proper installation, the

cost of the ditching is the responsibility of the property owner.

10.6 The surface of the driveway connecting with the highway section shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage flowing from the driveway area onto the highway/roadway, roadbed.

10.7 A minimum of eight (8) inches of stone shall be placed on top of the culvert. In the event that eight (8) inches of cover makes the grade level too high, the installation of an arch (oval) culvert may be required by the Town Board or approving authority representing the Town.

10.8 Proper bedding and filling must be placed around and beneath the culvert. 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.

10.9 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 the 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.

11.0 Construction and Maintenance of Driveway in Road Right-of-Way: 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 benefitted by such driveway of installation to maintain the same in a safe manner so as not to interfere with safe travel upon the roadway. 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.

When ever concrete exists over a culvert in the Town road 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.

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.

12.0 Penalty: Except where a penalty is provided elsewhere in this Ordinance, any person who violates any of the provisions of this Ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

12.1 First Offense – Penalty, Any person who violates any provision of this Ordinance shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50.00) nor more than One thousand Dollars (\$1,000.00), together with the cost of prosecution and, in default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed ninety (90) days.

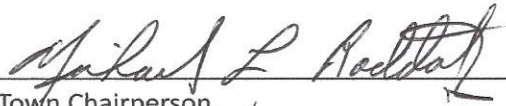
12.2 Second Offense – Penalty, Any person found guilty of violating any part of this Ordinance who shall previously been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00) nor more than Two Thousand dollars (\$2,000.00) for each such offense, together with the cost of prosecution and, In default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed six (6) months.

12.3 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.


This Ordinance shall be effective upon publication or posting by the Town Clerk as required, pursuant to s.60.80, Wis. Stat.

By the Town Board of the Town of Mecan, Marquette County, Wisconsin:


Dated: April 20, 2021


Town Chairperson,


Supervisor #1


Supervisor #2

Attest:


Town Clerk,

**Town of Mecan
Marquette County Wisconsin**

Date: 04-21-2020

Amendment Number 01-2020

WHEREAS: Amending Ordinance Number 01-08, Driveway Ordinance Permit and Fee is amended to include the following.

WHEREAS: In order to maintain town roads, they need to and Must be properly drained.

WHEREAS: All Properties Driveways in the Town of Mecan that Have A drainage ditch running parallel with the road Bed MUST have a culvert.

WHEREAS: Culverts must be fifteen (15) inches in diameter and Extend one foot (1')past each side of the driveway.

WHEREAS: All Driveways will be inspected by Town of Mecan Supervisores for Compliance.

WHEREAS: All new or newly improved driveway must be in compliance

With this order.

WHEREAS: Exemptions must be approved by Town of Mecan Supervisors.

NOW THEREFORE: The Town of Mecan, Marquette County Wisconsin, Does Ordain this Amendment to Ordinance Number 01-08 Driveway Ordinance and Permit Fee, on This 21st Day of April, 2020.

Signatures of Town Board

SIGNED Town Chairman: Michael L. Raddatz

SIGNED SUPERVISOR: #1 Brandon Frazer

SIGNED SUPERVISOR: #2 Tom Breiling

ATTEST TOWN CLERK: Caroline Gemoll

TOWN OF MECAN
MARQUETTE COUNTY, WISCONSIN

JULY 5, 2008

ORDINANCE No. 01-08

Drive way Ordinance, Permit and Fee.

State of Wisconsin
Town of Mekan
Marquette County

SECTION 1- TITLE AND PURPOSE

The title of this ordinance is, Town of Mekan Driveway Ordinance, Permit and Fee.

The purpose is to regulate driveway Width and Clearance (Height), for public safety, health and welfare. For safety reasons, the establishment of new driveways, or the repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect the public health, safety, and general welfare of persons and property in the Town of Mekan, Marquette County, Wisconsin. This Ordinance will limit and regulate access by motor vehicles to any Town Highway, Roadway, or Street. This Ordinance apply's to all driveways, Agriculture, Commercial, or Private. All driveways will be 12 feet wide and have 12 feet of clearance (Height). The permit Fee for new Drive Ways or the reconstruction of existing Driveways will be \$35.00
This is NOT, a Town Zoning Ordinance.

SECTION 2- AUTHORITY

The Town Board has the specific authority under s. 86.07, Wis. Stats. To adopt a Town Highway, Roadway, Street, Access Permit

Ordinance, and has the general authority under its Village Powers under s. 60.22, Wis. Stats. to adopt this ordinance.

SECTION 3- ADOPTION OF ORDINANCE

The Town Board, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the town to regulate and permit certain driveways and highway access locations in the Town Of Mecan, Marquette County, Wisconsin.

SECTION 4- COVERAGE

No person shall establish or construct a driveway or reconstruct, reroute, or alter the existing slope or highway, street, road access of any existing driveway or any town or other highway, street, road right-of-way in the town without first obtaining a Town Driveway Permit and submitting the proper driveway permit fee.

Any person prior to and at the time of seeking a Town Driveway Permit or a Town Highway, Road Way or Street Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

ADOPTED THIS 8TH DAY OF JULY, 2008

SIGNATURES OF TOWN BOARD:

Richard L. Radloff, Chairmen William J. Brubaker, Supervisor
Clayton R. Masters, Supervisor Arlowayne Wagner, Attest:
Town Clerk