

**TITLE 4 PUBLIC WORKS.**

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**Section 4.2.1 Authority and Purpose.**

The Town Board of the Town of Oregon has the specific statutory authority, pursuant to Wis. Stats. Sections 86.07(2) and 236.45 (1997-1998) and by its adoption of village powers under Wis. Stats. Section 60.22(3) (1997-1998), to provide regulations to promote the health and safety of the community, the transporting of public and emergency services personnel and equipment by regulating the placement, design, modification and maintenance of driveways and field roads accessing public highways in the Town of Oregon.

**Section 4.2.2 Jurisdiction.**

This ordinance applies to all driveways and field roads installed, altered, changed, replaced or extended after the effective date of this Ordinance.

**Section 4.2.3 Definitions.**

- a) Driveway: A road or other traveled way giving access from a public highway to one or more buildings located, or to be constructed, on adjacent land.
- b) Field Road: A road or other traveled way giving access from a public highway to farmland, farm accessory buildings, or other adjacent vacant land.
- c) Bump-out: A section of driveway measuring forty feet (40') in length and eighteen feet (18') in width, and a sixteen foot (16') height restriction for branches shall be maintained, to allow for the safe passage of motor vehicles.
- d) Variance: Any deviation from the provisions of this Ordinance.

#### **Section 4.2.4 General Provisions.**

a) Permit Required. No person shall construct a driveway or field road without first obtaining a permit from the Town Board, pursuant to this Ordinance.

b) Permit Application Procedure.

1) All applications for a permit, authorized by this Ordinance, shall be in writing on an official form furnished by the Town Clerk. All applications shall be filed with the Town Clerk together with the permit fee. Permit applications shall contain the name, address, and phone number of the applicant, the name of the property owner, a proof of the applicant's ownership or right to possess the subject property, identification of materials proposed to be used, along with a sketch of the subject property and the proposed location of the driveway or field road. The sketch shall be approximately drawn to scale and shall show dimensions and location of any improvements, and/or proposed improvements.

2) The Town Clerk shall forward the completed application to the Town Chairman, or designee. The Chairman or designee shall make arrangements with the applicant to conduct a site visit of the proposed location of the driveway or field road to determine compliance with the provisions of this Ordinance. Following the site visit, the Town Chairman or designee shall inform the Town Clerk of application compliance, or non-compliance. If application is non-compliant, the Town Clerk, at the request of the applicant, will include consideration of a variance on the agenda of the next regularly scheduled Town Board meeting. Note: No Board approval is necessary, unless the driveway or field road is in need of a variance from the Board.

3) If Town Board consideration is necessary, because a variance is required, the Board shall review the report of the Town Chairman or designee, who performed the site visit. The Town Board shall consider any variance and take action to approve or deny the permit. The Town Board may alter the proposed location of the driveway or field road on the applicant's sketch. Any changes to the location or design, or any variance allowed to the specifications of this Ordinance, must be acknowledged by the applicant by initialing the Board's approved revisions on the sketch and application form.

4) The Town Clerk shall provide a copy of the approved permit and sketch to the applicant and maintain a file of all permits and applications.

#### **Section 4.2.5 Application Statement.**

All permit applications shall contain the applicant's statement that:

- a) The applicant represents all parties in interest and that such proposed driveway or field road is for the bona fide purpose of securing access to the applicant's property.
- b) The Town, notwithstanding the construction of such driveway or field road, reserves the right to make any changes, additions, repairs, or relocations within the dedicated portion of the public right-of-way at any time, including relocation, reconstruction, widening, and maintaining the public right-of-way without compensating the owner of such private driveway or field road for the damage or destruction of such private driveway or field road.
- c) The applicant and applicant's heirs, successor, or assigns agree to indemnify and hold harmless the Town, its officials, officers, agents, or employees against any claim or any cause of action for personal injury or property damage sustained because of granting such permit.
- d) Utility relocation costs shall be the responsibility of the property owner.

**Section 4.2.6 Specifications.**

- a) The portion of the driveway/field road between the traveled portion of the public highway and the private property.
  - 1) Visibility - As a standard, a driveway or field road shall be located as to permit a safe distance from a vehicle, at the driveway or field road, to see an approaching vehicle and to have adequate time to exit or enter the driveway or field road safely. An object measuring three and one-half feet (3 1/2') in height shall be visible from the driveway or field road at the edge of the traveled portion of the highway for a distance identified in the sight/stopping distance criteria table below.

Stopping /Sight Stopping/ Sight

Design Speed MPH Distance in feet. Distance in feet.

Minimum Desirable

30 200 200

35 225 250

40 275 325

45 325 400

50 400 475

55 450 550

2) Approach - The driveway or field road approach angle at the edge of the traveled portion of the highway right-of-way must be between seventy (70) and one hundred ten (110) degrees.

3) Stormwater Run-off - The driveway or field road shall be constructed to prohibit stormwater run-off from flowing or encroaching onto the traveled portion of the public highway.

4) Grade - A driveway or field road surface shall be constructed with a maximum grade of five percent (5%) for a distance of thirty feet (30') from the edge of the existing roadway.

5) Width - The width of a driveway or field road surface shall be a minimum of twenty feet (20') and a maximum of twenty-four feet (24') wide.

6) Culvert - A culvert with metal flared end sections shall be installed under each driveway or field road. The culvert shall measure a minimum of eighteen inches (18") in diameter or equivalent capacity, and a minimum of twenty-four feet (24') in length. For the purpose of adequate stormwater management, the Town Board may, in its discretion, require the dimensions of a culvert to exceed the minimum width or length requirements of this Subsection. Unless a variance is granted by the Town Board, in no event shall a culvert measure less than the surface width of the driveway or field road. It will be the applicant/owner's responsibility to bear the cost and expense of installing the culvert. Installation shall be completed within a reasonable time after the issuance of a permit pursuant to this Ordinance.

7) Location

(A) A driveway or field road, outside of a town subdivision, shall be located at least one hundred feet (100') from a paved or traveled portion of an intersecting public highway.

(B) The nearest traveled edge of a driveway or field road shall be located a minimum of ten feet (10') from any property line.

(C) No driveway shall be closer than twenty-five feet (25') to the extended public highway at any existing "T" intersection.

#### 8) Accesses

(A) In no event shall a driveway, outside of a town subdivision be constructed within five hundred feet (500') of another driveway located on the same side of the public highway.

(B) Driveway access locations shall not exceed ten (10) per mile on each side of the public highway.

#### b) The portion of the driveway beyond the public right-of-way.

1) Surface - A driveway shall have a minimum finished surface at least fourteen feet (14') in width. The driveway shall have at least six inches (6") of two inch (2") rock, covered with at least three inches (3") of three-quarter inch (3/4") gravel, or other equivalent weight bearing surface.

2) Width Clearance - The minimum width clearance along a driveway shall be twenty-four feet (24').

3) Height Clearance - The minimum height clearance along the entire driveway shall be sixteen feet (16').

4) Grades - The maximum allowable average grade of a driveway shall not exceed twelve percent (12%). In no event shall a segment of a driveway exceed fifteen percent (15%).

5) Drainage - Ditches, roadway crowning and culverts which provide adequate drainage shall be required.

6) Curves in Long Driveways - Curves located on driveways measuring fifty feet (50') or more in length have a minimum inside radius of thirty-six feet (36').

7) Safe Passage - Driveways measuring five hundred feet (500') or more in length shall include a bump-out that is a minimum of eighteen feet (18') in width, and a sixteen foot (16') height restriction for branches shall be maintained, for a distance of forty feet (40') to allow for safe passage of

vehicles. In addition the following applicable requirements shall be satisfied.

(A) A driveway over eight hundred feet (800') with visibility unobstructed by curves, steep topography or vegetation, shall require a bump-out every five hundred feet (500').

(B) A driveway over eight hundred feet (800') with visibility obstructed by curves, steep topography, or vegetation, shall require a bump-out every three hundred feet (300').

8) Cul de sac - At the end of any driveway in excess of five hundred feet (500') in length, a minimum thirty-six foot (36') radius cul de sac shall be provided.

9) Erosion Control - Adequate erosion control measures shall be employed during construction of the driveway or field road. All disturbed ground and side banks shall be seeded promptly after construction to control erosion.

10) Engineer's Plan - The Town Board may, in its discretion, require an engineer's plan as a condition of approval, based on the intended use and/or characteristics of the site of the proposed driveway or field road.

#### **Section 4.2.7 Joint Driveways.**

Applicants may apply for a joint driveway permit provided a proposed Joint Driveway Agreement is submitted with their permit application. The Joint Driveway Agreement shall expressly provide for the responsibility of maintenance and repair of the joint driveway, including snow removal, and restrictions on its use. Such Agreement shall be approved by the Town Board prior to the issuance of a joint driveway permit. If approved, the Joint Driveway Agreement shall be recorded with the Register of Deeds.

#### **Section 4.2.8 Existing Driveways and Field Roads.**

When wash outs, erosion, or other conditions created by existing driveways or field roads become a potential hazard to a public highway, the Town Board shall provide written notice to the property owner of such conditions. If the property owner fails to correct such conditions within thirty (30) days of the date of the written notice by the Town Board, the owner shall be found in violation of this Ordinance. In addition, the Town Board shall take reasonable steps to

eliminate the hazard, and charge the Town's cost to the property owner as a special charge, pursuant to Wisconsin Statutes, Section 66.60(16)(a) (1997-1998).

#### **Section 4.2.9 Variances.**

Where, in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of this Ordinance because of exceptional or undue hardship would result, the Town Board may waive or modify any requirement to the extent deemed just and proper, as long as such modification does not violate the intent of this Ordinance as stated under Section 4.2.1. Authority and Purpose. Application for any such variance shall be made in writing to the Town Clerk.

#### **Section 4.2.10 Expiration of Permits.**

Unless construction of a driveway or field road has not commenced within one (1) year from the date of issuance of the permit, such permit shall lapse.

#### **Section 4.2.11 Fees.**

Driveway or field road permit fees must be paid prior to a building permit being issued.

a) Standard Driveway Fee - The standard fee for a driveway permit shall be thirty dollars (\$30.00). This fee shall cover the cost of one (1) on-site inspection by the Town Chairman or designee. A reinspection fee of ten dollars (\$10.00) shall be charged for each additional driveway inspection.

b) Standard Field Road Fee - The standard fee for a field road permit shall be fifteen dollars (\$15.00). This fee shall cover the cost of one on-site inspection by the Town Chairman or designee.

#### **Section 4.2.12 Violations.**

a) Violations in Construction or Modifications - It shall be unlawful to construct or modify any driveway or field road in violation of this Ordinance. Any person who fails to comply with the provisions of this Ordinance shall pay a fine equal to three (3) times the permit fee. The Town Board shall order such person to make the corrections or alterations necessary to comply with this Ordinance.

b) Violation Corrections - If a person fails to make the corrections or alterations as ordered, the Tow Board may make the corrections or alterations and charge the Town's cost to the property as a special charge, pursuant to Wisconsin Statutes Section 66.60(16)(a) (1997-1998).

#### **Section 4.2.13 Severability.**

Should any section or provision of this Ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this Ordinance.

#### **Section 4.2.14 Permits Issued Under Previous Ordinance.**

If a property owner fails to complete construction within one year of issuance of a driveway or field road permit under the previous Ordinance, the permit shall lapse and the current property owner of record shall apply for a new permit under this Ordinance and comply with all requirements contained herein.

#### **Section 4.2.15 Driveway Dedication.**

Under no condition shall any private driveway dedication occur prior to the private driveway first being upgraded to comply with town and road standards, and Wisconsin State Statutes. All standards related to design, grading, construction and drainage shall meet State Department of Transportation Standard Specifications for Roads and Bridge Construction and its supplements, or the Town's Subdivision Land Division Ordinance, the more restrictive provision shall apply.

*Original Ordinance #16 approved and passed September 2, 1975, posted September 30, 1975.*

*Ordinance #16 amended by Ordinance #21 June 7, 1977.*

*Ordinance #21 approved and passed June 7, 1977, posted June 15, 1977.*

*Ordinance #21 and #16 repealed by Ordinance #28 May 6, 1980.*

*Ordinance #28 approved and passed May 6, 1980, posted May 7, 1980.*

*Ordinance #28 repealed by Ordinance #53 February 2, 1999.*

*Ordinance #53 adopted February 2, 1999, published February 11, 1999.*

#### **TITLE 4 - CHAPTER 5 Regulations of Parks and Navigable Waters.**

**Section 4.5.1 Definitions and Terms.**

**Section 4.5.2 Permits.**

**Section 4.5.3 Prohibited Items or uses.**

**Section 4.5.4 Park Hours.**

**Section 4.5.5 Park Closing and Opening Dates.**

**Section 4.5.6 Fees and Charges.**

**Section 4.5.7 Shelter Reservations.**

**Section 4.5.8 General Regulations.**

**Section 4.5.9 Snowmobile Operating Regulations.**

**Section 4.5.10 Town Board's Rule-making Authority.**

**Section 4.5.11 Penalties.**

**Section 4.5.12 Enforcement.**

**Section 4.5.1 Definitions and Terms.**

- a) The term "park" as hereinafter used shall include all grounds, structures and water courses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the Town of Oregon.
- b) The term "permit" shall mean written authorization for specific uses and times of facilities or areas as required.

**Section 4.5.2 Permits.**

Permits shall be required for the following from the office of the Town Clerk:

- a) All public meetings, assemblies, entertainments, tournaments or speeches;
- b) Exclusive use of any facility or play area;

- c) Selling or offering for sale any tangible or intangible item or soliciting for any trade, occupation, business or profession;
- d) The possession or drinking of any intoxicating beverages;
- e) Snowmobiles in designated areas, renewable yearly.

#### **Section 4.5.3 Prohibited items or uses.**

In addition to illegal activities, the following activities shall be prohibited within the boundaries of any park, unless the appropriate permit is obtained:

- a) Building of fires other than in firepits or grills;
- b) Possession or discharging of any firearm or weapon of any kind;
- c) Possession, using or dispensing of a controlled substance in violation of the Uniform Controlled Substance Act;
- d) Hunting, trapping, or disturbing birds or wildlife;
- e) Throwing stones or missiles;
- f) Digging or removal of any turf, trees, shrubs, flowers or protected wildlife;
- g) Defacing, destroying or vandalizing any structure, sign or equipment other than an "official traffic control device" as defined in Section 340.01(38) of the Wisconsin Statutes (1979-1980);
- h) Operating or parking a motor vehicle in a park during closed hours;
- i) Littering in a park;
- j) Disposing of trash not relating to park usage;
- k) Possession or drinking of alcoholic beverages without a permit;
- l) Being abusive, boisterous or disorderly;
- m) Leading or riding horses in unauthorized parks or areas of parks;
- n) Removing any object of archaeological interest including any manmade article or implement originating from earlier cultures, all without the prior written consent of the Oregon Town Board.

#### **Section 4.5.4 Park Hours.**

Unless otherwise specified by the Town Board, park hours shall be from 7:00a.m. to 10:00p.m.

#### **Section 4.5.5 Park Closing and Opening Dates.**

The Town Board will have full authority to open and close any park, facility or area because of season, condition, construction or when in the interest of public safety, it is deemed necessary.

#### **Section 4.5.6 Fees and Charges.**

The Town Board shall have the authority to establish such fees as are deemed necessary for use of any facility, shelter or land area or for the reservation of such areas.

- a) Fee schedule shall be available upon request;
- b) It shall be unlawful to use such areas without payment of such fee or charge.

#### **Section 4.5.7 Shelter Reservations.**

- a) Shelters may be reserved by Town residents within any park for the exclusive use of groups, organizations or others on a first-requested basis;
- b) All reservation requests from Town residents will be made through the office of the Town Clerk;
- c) All reservation requests will be made at least one (1) week prior to the scheduled event;
- d) When any form of alcoholic beverages are served at the event for which a reservation permit has been issued a valid alcoholic beverage permit must also be obtained. Said alcoholic beverage permits must be held by the person in charge and shall be presented to any park employee or law enforcement officer upon request;
- e) Any member of the Town Board or authorized law enforcement officer may revoke any reservation permit when, in the official's judgment, persons or property on or within park premises may be endangered by the continuance of the exclusive use;

f) Persons in charge of any reservation shall be responsible for the conduct of those in attendance, which shall include disallowing alcoholic beverages to minors, general safety to those attending and cleanliness of public property under reservation;

#### **Section 4.5.8 General Regulations.**

a) No person shall interfere in any manner with any employee in the performance of his assigned duties;

b) All sporting activities must be held in areas designated for that purpose;

c) Motor vehicles are restricted to designated roadways and parking areas;

d) Vehicular speed limits shall be restricted to 15m.p.h. unless otherwise posted. Operating speeds shall be speeds that are reasonable, safe, and prudent so as not to interfere with the safety of park users;

e) Bicycles and other non-motorized vehicles shall comply with the rules and regulations applicable to those vehicles. No person shall ride a bicycle upon foot trails or lawns. Careless operation will be grounds for removal from the park;

f) All pets shall be effectively restrained on a leash no more than six (6) feet long and controlled at all times. No pets allowed in park shelters or buildings.

g) It shall be unlawful and a violation of this ordinance to park, stop, or leave standing any motor vehicle within any town park between the hours of 10:00p.m. and 7:00a.m.

#### **Section 4.5.9 Snowmobile Operating Regulations.**

Operations of snowmobiles shall be restricted to such parks as authorized and posted for such use by the Town Board. All snowmobiles must be operated in conformity with the state statutes and the following regulations:

a) Unless otherwise established by the Town Board, trail hours shall be 8:00a.m to 10:00p.m.

b) Snowmobiles must stay on marked trails;

c) All machines must have valid registration;

d) Maximum trail speed shall be speeds that are reasonable, safe and prudent but shall at no time exceed 30m.p.h.

- e) Snowmobiles must travel single file;
- f) Careless or negligent operation will be grounds for suspension, fine or both;
- g) Littering shall be prohibited;
- h) No machines will be permitted on trails when a "Trail Closed" sign is posted;
- i) All accidents or injuries must be reported immediately to the Dane County Sheriff's Department. State Law Reference: Section 350.18 Wis. Stats. (1979-1980).

#### **Section 4.5.10 Town Board's Rule-making authority.**

The Town Board is authorized to adopt additional or revised rules and regulations for the proper conduct and administration of the parks in the Town of Oregon not inconsistent with this ordinance, to grant permits in conformity with the provisions hereof and to perform such other acts with reference to the management of said parks as are lawful and as they may deem expedient, to promote the beauty and usefulness of said parks and to increase the comfort, safety, convenience and public welfare of the citizens of the Town of Oregon and of visitors to said parks in their use of the same.

#### **Section 4.5.11 Penalties.**

- a) Any person who shall violate any of the provisions of the ordinance shall for each offense forfeit to the Town of Oregon not less than \$10.00 nor more than \$100.00 together with the costs of prosecution and court costs. The judgment so obtained may be enforced in the same manner as any civil judgment. Any person who has the ability to pay such forfeiture but refuses to do so may be confined in the county jail until such forfeiture is paid but in no event to exceed 60 days. In determining whether an individual has the ability to pay a forfeiture, all items of income and all assets may be considered regardless of whether such income or assets are subject to garnishment, lien or attachment by creditors.
- b) In addition to the penalty above, any person damaging the property of the Town of Oregon or of another person shall remain liable in a civil action for the amount of that damage.

#### **Section 4.5.12 Enforcement.**

Any law enforcement officer may arrest any offender whom he may detect in the violation of any of the provisions of this ordinance. The officer shall have at all times the right to enter the premises of any building, structure or enclosure in any park for the purpose of inspection or investigating disturbances.

*Original Ordinance #30 approved and passed November 4, 1980, posted November 7, 1980.*

*Ordinance #30 amended by Ordinance #32 April 13, 1982.*

*Ordinance #32 approved and passed April 13, 1982, posted April 14, 1982.*