

Chapter 30 ROADS, STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES¹

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. ROAD CONSTRUCTION

Secs. 30-19—30-39. Reserved.

ARTICLE III. PUBLIC RIGHTS-OF-WAY

DIVISION 1. GENERALLY

Secs. 30-40—30-66. Reserved.

DIVISION 2. UTILITY EXCAVATIONS

Sec. 30-67. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Permitting authority means the town and, where applicable due to regulatory or enforcement authority, the county, their employees, agents and other representatives.

Sec. 30-68. Permit required.

No person shall perform any excavation of town streets or roads or within the public rights-of ways within the town without first obtaining a permit as required pursuant to this division and any additional permits or approvals which may be required by county or state law.

¹State law reference(s)—Town highways generally, Wis. Stats. § 82.01 et seq.; injury to highways, Wis. Stats. § 86.02; trees on and adjacent to highway, Wis. Stats. § 86.03; highway encroachments, Wis. Stats. § 86.04; snow removal in private driveways, Wis. Stats. § 86.105; utility lines on highways, Wis. Stats. § 86.16; regulation of highway signs, Wis. Stats. § 86.19; advertising in highways prohibited in certain locations, Wis. Stats. § 86.191; local roads improvement program, Wis. Stats. § 86.31; flood damage aids, Wis. Stats. § 86.34; local regulation of privileges in streets, Wis. Stats. § 66.0425; town authority regarding streets, sidewalks, sewers, and watercourses, Wis. Stats. § 61.36.

Sec. 30-69. Issuance; applicable provisions; fees.

Pursuant to state law, a permit granted under this division is granted to allow performance of the specific work described in the permit. All permits shall be subject to the provisions set forth in this division in addition to any special provisions specifically set forth in the permit, as well as federal, state and county law as applicable. Fees for issuance of permits under this division shall be in the amount provided in the town fee schedule.

Sec. 30-70. Effect of commencement of construction.

Accomplishment of the permitted work or any part thereof by or on behalf of the applicant shall bind the applicant to abide by the permit and all conditions and provisions of this division.

Sec. 30-71. Applicant to indemnify the permitting authority.

The applicant agrees to indemnify and hold harmless the permitting authority, its employees and agents, from any cost, claim, suit, liability or award that might be brought or assessed because of the issuance of a permit hereunder or because of any adverse effect upon any person or property that is attributed to the partially or entirely complete works of the applicant.

Sec. 30-72. Display of permit and related documents.

Copies of the permit issued under this division, together with related and supporting documents including, but not limited to, plans and special provisions, shall be available on the job site for inspection.

Sec. 30-73. Alteration of permitted facility to facilitate highway maintenance or improvement.

The permitted facilities shall, if necessary, be altered at the expense of the applicant to permit alteration, improvement or maintenance of the highway as may be ordered by the permitting authority. The entire cost of construction and maintaining the permitted facilities shall be the obligation of the applicant unless a contract for such costs is entered into by the parties and provides otherwise.

Sec. 30-74. Traffic control during construction.

- (a) No open cutting for a crossing will be allowed where the pavement is too narrow to maintain one-way traffic at all times unless the permitting authority has granted permission for a detour to be established and used. When a detour is approved, local newspapers shall be notified by the applicant in advance of work commencement.
- (b) When one-way traffic is established or a detour approved, the applicant shall provide all necessary signs, flagmen and lights as required by the state Manual on Uniform Traffic Control Devices.

Sec. 30-75. General performance specifications.

- (a) Property safety equipment must be used at all times when working in the public right-of-way.
- (b) Wherever the pavement is opened, the soil shall be hauled away and the trench shall be backfilled with sand or gravel and compacted in layers. Access to all private drives and public street intersections shall be maintained.

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- (c) Any trench, tunneling or excavation shall be performed in accordance with the requirements of OSHA and the state department of industry, labor and human relations, as well as any application local regulations.
 - (d) All aboveground pedestal boxes or other protruding structures associated with underground installations shall have a visible marker attached extending a minimum of four feet above the highest point on the structure above ground.
 - (e) Applicant shall reinstall all permanent signs removed during construction. Reinstalled signs must be installed a minimum of 18 inches from any utility installation.
 - (f) The applicant will, at his expense, move or relocate utility equipment within the highway or public rights-of-way necessitated by construction or reconstruction authorized by the permit. Relocation of utilities shall be accomplished in such manner that utilities are installed not less than 16 feet from the pavement edge. Utility installations shall be buried at a minimum depth of 36 inches.
 - (g) Upon completion of the excavation, all disturbed areas shall be returned to their previous condition or better, to the satisfaction of the permitting authority. The pavement removed for a road crossing shall be replaced in accordance with the specifications of the permitting authority.

Secs. 30-76—30-93. Reserved.

ARTICLE IV. PUBLIC ASSEMBLIES

DIVISION 1. GENERALLY

Sec. 30-94. Purpose.

- (a) It is the purpose of this article to preserve, protect and maintain public peace and good order within the town and to preserve and protect the health, safety and general welfare of residents and visitors by regulation to minimize or prevent the potential adverse impacts of small assemblies. It is not the purpose of this article to regulate nonprofit events such as family gatherings, church services and socials, receptions or usual meetings of organizations.
- (b) It is the further purpose of the town board to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation, parking, and utility services regularly provided in the town in order that the health, safety and welfare of all persons in the town, residents and visitors alike, may be protected.

(Ord. No. 1999-04, § 1, 12-1-1999; Ord. No. 2000-03, § I, 4-5-2000)

Sec. 30-95. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Assembly means a company of persons gathered together at any location at any single time for any purpose.

Small Assembly means any public gathering where more than 250 and fewer than 1,000 people at any one time congregate at any location or event where the event is scheduled to extend for a period of time of three hours or more, within the limits of the town.

(Ord. No. 1999-04, § 1, 12-1-1999; Ord. No. 2000-03, § II, 4-5-2000)

Secs. 30-96—30-118. Reserved.

DIVISION 2. SMALL ASSEMBLIES

Sec. 30-119. Permit required.

No person shall conduct, or cause to be conducted, a small assembly without first obtaining a permit from the town board. Such an event may include, but is not limited to, a circus, carnival, rodeo, show, exhibition, flea market or similar event.

(Ord. No. 2000-03, § III(A), 4-5-2000)

Sec. 30-120. Duration restricted.

No event or assembly shall exceed two days in duration without approval by the town board.

(Ord. No. 2000-03, § III(B), 4-5-2000)

Sec. 30-121. Assembly restricted to existing business structures.

No person or institution shall conduct or cause to be conducted a small assembly which cannot be contained within the existing structures on the premises of an established business without first obtaining a permit from the town board.

(Ord. No. 2000-03, § III(C), 4-5-2000)

Sec. 30-122. Permitted hours for outdoor events.

If any small assembly or a portion thereof is to be held outdoors, such activities shall be limited to the hours of 10:00 a.m. to 10:00 p.m.

(Ord. No. 2000-03, § III(D), 4-5-2000)

Sec. 30-123. Permit—Criteria considered for approval.

The town board may use the following criteria when issuing the permit but may not limit its definition solely to these items:

- (1) Adequate insurance liability.
- (2) Provisions for traffic control and parking.
- (3) Solid waste disposal and other sanitary facility issues.
- (4) Adequate indoor shelter and fencing to adequately contain the gathering on the premises.
- (5) Adequate police, fire and security protections, including first aid facilities.
- (6) Adequate provisions to prevent the serving of alcohol to minors.

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- (7) Any other consideration the town board deems necessary to preserve the health, safety, and welfare of the town residents.

(Ord. No. 2000-03, § III(E), 4-5-2000)

Sec. 30-124. Same—Conditions.

During its findings, the town board may place conditions on the issuance of the permit in order to protect the health, safety, and welfare of the town residents.

(Ord. No. 2000-03, § III(E), 4-5-2000)

Sec. 30-125. Same—Transferability.

The permit is not transferable from one person to another or from one premises to another.

(Ord. No. 2000-03, § III(F), 4-5-2000)

Sec. 30-126. Same—Duration period.

The permit is valid for a single event. Annual events will require a new permit each year.

(Ord. No. 2000-03, § III(G), 4-5-2000)

Sec. 30-127. Right of entry.

The applicant will allow the town board, town building inspector, town fire chief or their designees to enter the assembly premises or area at all reasonable hours for the purpose of enforcing this article and verifying compliance with any permit issued pursuant to this division.

(Ord. No. 2000-03, § III(H), 4-5-2000)

Sec. 30-128. Application procedure.

- (a) Application for a permit under this division shall be made to the town clerk of the town at least 20 days prior to the date of the event. An official application must be obtained from the town clerk. The town board may waive the time limit if the applicant can show hardship to the satisfaction of the town board.
- (b) The application shall include the name, address, and telephone number of the applicant. In addition, the applicant shall state the nature and purpose of the event, the time, dates, hours, duration and location of the event, estimate the number of attendees anticipated, provisions for traffic movement, provisions for security provisions for sanitary facilities and provisions for solid waste disposal.
- (c) The applicant, at the time of filing the application for such permit, shall submit evidence that the applicant has complied with any and all local, county and state laws and regulations with regard to the small assembly.
- (d) Applicants anticipating an assembly of 1,000 or more persons during the proposed event shall comply with this article and the large assemblies ordinance adopted by the county.
- (e) Prior to granting the permit applied for, the town board may require the applicant to provide a bond or other proof of the ability of the applicant to pay any costs incurred by the town which might arise by reason of the granting of the permit.

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- (f) Prior to the time of granting the permit applied for, the town board may require the applicant to provide a single limit liability insurance policy covering bodily injury, property damage, and personal injury (coverages A, B, and C) naming the town as an additional insured, of up to the amount of \$1,000,000.00.

(Ord. No. 2000-03, § IV, 4-5-2000)

Sec. 30-129. Revocation.

- (a) The permit may be revoked by the town board at any time if the conditions necessary for issuing of or contained in the permit are not complied with or if any condition previously met shall cease to be met with.
- (b) If any permit is revoked, the town board will provide a written order revoking said permit and stating the reasons for the revocation. Notice will be given to the applicant via the following procedures:
- (1) If revocation notice can be issued greater than five days from the beginning date of the event, notice will be sent via certified mail with return receipt.
 - (2) If revocation notice is to be issued within five days of the beginning of the event, the applicant will be personally served with notice.
- (c) If a permit is revoked, the applicant can request that the town board conduct a hearing to review the application allowing the applicant the opportunity to present information on why the permit should not be revoked.

(Ord. No. 2000-03, § V, 4-5-2000)

Sec. 30-130. Violations; penalties.

Any person violating any of the provisions of this division or knowingly aiding or abetting another in the violation thereof shall, upon conviction, pay a forfeiture as set by the town board of not less than \$100.00 nor more than \$5,000.00 per incident and the costs and attorney fees in prosecution, with each day in violation of this division constituting a separate offense.

(Ord. No. 2000-03, § VI, 4-5-2000)

Sec. 30-131. Enforcement.

In addition to all other applicable penalties, this division may also be enforced by an injunction issued by any court of competent jurisdiction, and any holding of an event in violation of this division may be deemed a public nuisance and may be abated as such.

(Ord. No. 2000-03, § VII, 4-5-2000)

Secs. 30-132—30-160. Reserved.

DIVISION 3. LARGE ASSEMBLIES

Sec. 30-161. Maximum number of persons permitted to assemble.

In recognition of the limited resources of the town to provide for the health, safety and welfare of assemblages of large numbers of people and for all persons in the town, residents and visitors alike, the maximum number of persons permitted to assemble at any one location or event shall be 5,000.

(Ord. No. 1999-04, § 3, 12-1-1999)

Sec. 30-162. License required; general regulations.

- (a) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage or sell or give tickets to an actual or reasonably anticipated assembly of 1,000 or more persons which continues or can reasonably be expected to continue for three or more consecutive hours, whether on public or private property, unless a license to hold the assembly has first been issued by the town board, application for which must be made to the town clerk at least 60 days in advance of the assembly.
- (b) A license to hold an assembly issued to one person shall permit any person to engage in any lawful activity in connection with the holding of the licensed assembly.
- (c) It shall be the burden of the licensed person to provide proof of the actual number of people attending a licensed assembly.
- (d) A separate license shall be required for each day and each location at which 1,000 or more people assemble or can reasonably be anticipated to assemble. Such assemblies shall be limited to one day, and only one assembly may be allowed in the town in any one calendar month. In no case shall the time between assemblies requiring a license under this division be less than two weeks.
- (e) The fees for each license shall be in the amount provided in the town fee schedule and shall be nonrefundable.
- (f) A license shall permit the assembly of only the maximum number of people stated in the license. In order that an event may be properly planned and executed, the licensee must sell or give away tickets. The licensee shall not sell or give away tickets to, nor permit to assemble at the licensed location, more than the maximum number of people permissible.
- (g) A license shall be obtained for an actual assembly of 1,000 or more persons, or a reasonably anticipated assembly of 1,000 or more persons, which continues or can reasonably be expected to continue for three or more consecutive hours at any regularly established place of business in the town.
- (h) The license shall not permit the sound of the assembly to carry unreasonably beyond the enclosed boundaries of the location of the assembly. Live or recorded music, if played, shall be limited to the hours between 10:00 a.m. and 10:00 p.m. The sound level at the boundary of the assembly shall not exceed 70 decibels on the A scale slow response.
- (i) No assembly shall start before 10:00 a.m. or shall continue beyond 10:00 p.m. Gates shall be open to the public no earlier than 9:00 a.m.
- (j) The applicant, at the applicant's expense, shall inform residents of the town of the proposed assembly, of the date and time of the proposed assembly and of the date and time of the town board meeting at which the application for a license will be considered. This shall be done by publication in the town paper of record immediately after the time of filing the application for license. The applicant shall notify town residents within one-half mile of the proposed assembly location by mail with ten days after the filing of the application of the date and time of the proposed assembly and of the date and time of the town board meeting at which the application will be considered.

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- (k) This division shall not apply to assemblies sponsored by the United States of America, the state, the county or the town.
 - (l) In the event of dry conditions or a department of natural resources fire warning banning any outside burning, the town fire chief may prohibit the assembly or require more stringent fire protection than required by this division.

(Ord. No. 1999-04, § 4, 12-1-1999)

Sec. 30-163. Application for license.

- (a) Application for a license to hold an actual or anticipated assembly of 1,000 or more persons shall be made in writing to the town clerk at least 60 days in advance of such assembly. The application shall contain:
 - (1) A statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and shall be signed, sworn to or affirmed by the individual making the application in the case of an individual natural human being, by all officers in the case of a corporation, by all partners in the case of a partnership, or by all officers of an unincorporated association, society or group or, if there are not officers, by all members of such association, society or group.
 - (2) The name, age, residence, mailing address and telephone number of all persons required to sign the application in this section and, in the case of a corporation, a certified copy of the articles of incorporation, together with the name, age, residence, mailing address and telephone number of major stockholders of said corporation.
 - (3) The address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address and telephone number of the record owner of all such property.
 - (4) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner of such property that the applicant has permission to use such for an assembly of 1,000 or more persons.
 - (5) The nature and/or purpose of the assembly.
 - (6) Written plans and proof of compliance with all items and conditions for issuing the license as specified and required by section 30-164. Plans must contain the name, address and telephone number of providers of services. Such proof shall be confirmed by the town board.
- (b) The application shall include the bond, insurance policy and license fee required by this division.

(Ord. No. 1999-04, § 5, 12-1-1999)

Sec. 30-164. Conditions for issuing license.

- (a) Before the applicant may be issued a license, the applicant shall first comply with the provisions of this section, including providing proof in written form when required that the applicant will furnish, at the applicant's expense, before, during and after the assembly, the items required in this section.
- (b) In conjunction with the town fire chief, the town constable, the county sheriff, the highway patrol and the county zoning administrator, the applicant shall determine the maximum number of people who will be assembled or admitted to the location of the assembly, provided that the maximum number shall not exceed either the maximum number of persons who can reasonably assemble at the location of the assembly in consideration of the nature of the assembly or 5,000 people, whichever is fewer.

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- (c) The applicant shall provide a fence completely enclosing the proposed location, of sufficient height and strength to prevent people in excess of the maximum permissible number from gaining access to the assembly grounds, which shall have at least four gates, two of which must be connected to approved roadways suitable for ingress and egress by vehicular traffic, at least one at or near four opposite points of the compass. Alcoholic beverages can only be served and consumed within fenced enclosures with adequate monitoring to restrict minors from entering the area and to prohibit alcoholic beverages from being taken from the fenced area.
 - (d) The applicant shall provide potable water, meeting all federal and state requirements for purity, sufficient to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person. There shall be one fountain or faucet per 500 people conveniently located throughout the grounds of the assembly. Single-service drinking cups shall be available and dispensed in a sanitary manner for all faucets used for dispensing drinking water. Reuse of single-service drinking cups is prohibited.
 - (e) The applicant shall provide separate enclosed toilets meeting all state and local specifications, conveniently located throughout the grounds, sufficient to provide facilities for the maximum number of people to be assembled at the rate of at least one toilet per 250 persons, together with an efficient, sanitary means of disposing of waste matter deposited which is in compliance with all state and local laws and regulations. Portable handwash stations consisting of water under pressure, a wastewater storage tank, soap, and individual service towels shall be provided for each five water closets or urinals.
 - (f) The applicant shall provide a sanitary method of disposing of solid waste, in compliance with state and local laws and regulations, sufficient to dispose of the solid waste, together with a plan for holding and a plan for collecting all such waste. Sufficient trashcans with tightfitting lids and personnel to perform the task of collection shall be provided. Waste must be collected along designated traffic routes within one mile of the assembly and on the grounds of the assembly and parking lot at least once during the day of the event, and at the completion of the assembly.
 - (g) The applicant shall provide medical personnel licensed to practice in the state to provide medical care for the maximum number of people assembled at the rate of two emergency medical technicians (EMTs) per 1,000 persons or fraction thereof, and at least one emergency ambulance available for use at all times, staffed by two EMTs. An enclosed medical structure shall be constructed for use by EMT personnel. The names and addresses and hours of availability of physicians and nurses for emergency services shall be determined along with provision for emergency ambulance service.
 - (h) The applicant must submit a traffic control and circulation plan with provision for, but not limited to, signing roads, parking of vehicles, prohibiting parking along roadways, emergency vehicle traffic, impoundment lot, towing vehicles and prohibition of unregulated pedestrian traffic. Such traffic plan shall be approved by the town board and county traffic officials.
 - (i) The applicant shall provide a designated area sufficient to provide parking of the maximum number of people to be assembled at the rate of one parking space per four persons. Parking along public and private roads outside of the designated parking area before, during and after the assembly shall be prohibited. The applicant shall make arrangements to tow illegally parked vehicles to an impoundment lot. Parking restrictions shall be printed on the tickets for the event.
 - (j) The applicant shall provide telephones connected to outside lines sufficient to provide service for the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 2,500 persons or fraction thereof.
 - (k) The applicant shall provide an external and internal security plan approved by the town board and the county sheriff that shall include:
 - (1) Uniformed security guards, either regularly employed, duly sworn, off-duty state peace officers or private guards, licensed and bonded in the state, sufficient to provide adequate security for the

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- maximum number of people to be assembled at the rate of at least one security guard per 750 people, unless alcohol is served, and then at least two security guards per 500 people.
- (2) Patrolling of perimeters by uniformed security personnel to prevent people in excess of the maximum number permissible from gaining access to assembly grounds and to ensure that adjoining private property is not harmed.
 - (3) Fire protection, including the number, type and location of alarms, extinguishing devices, fire lanes and escapes, sufficient to meet all state, county and local standards for the location of the assembly as set forth in the Wisconsin Administrative Code and ordinances of this municipality and sufficient trained and accredited fire personnel to efficiently operate the required equipment. The applicant shall supply names, addresses and telephone numbers and credentials for fire personnel.
- (l) The applicant shall provide for all reasonably necessary precautions to ensure that the sound of the assembly does not exceed 70 decibels on the A scale at the boundaries of the enclosed assembly area. Plans for sound control and sound amplification, if any, including number, location and power of amplifiers and speakers, shall be provided by the applicant.
 - (m) The applicant shall provide plans for food concessions and such other concessions as may be allowed to operate on the grounds, including the names, residence and business addresses and telephone numbers of all concessionaires, and their license and/or permit numbers. Food and beverage booths shall comply with food handling health regulations as determined by federal, state and local laws and regulations.
 - (n) Conditions described in subsections (c), (d) and (e) of this section must be installed or provided for at least one day before the said assembly and shall be inspected and approved in writing by the town chairperson or his designated representative, said designation to be in writing.

(Ord. No. 1999-04, § 6(A), 12-1-1999)

Sec. 30-165. Tickets.

Tickets to the event shall be printed by a bonded ticket printer. All tickets must be consecutively numbered. Tickets not sold in advance may be sold at the gate on the day of the event, commencing at 9:00 a.m. The licensee shall contact the town clerk, the day before the event, and disclose ticket sales to date. A town board member or his designee shall have the right to inspect tickets to be sold at the gate the day of the event, before the gate opens. If tickets are not properly accounted for, no additional tickets shall be sold at the gate. The licensee shall account for unsold tickets. The applicant shall provide the name, address and telephone number of the ticket printer.

(Ord. No. 1999-04, § 6(B), 12-1-1999)

Sec. 30-166. Bond.

The applicant shall provide a bond, either in cash or underwritten by a surety company licensed to do business in the state, to reimburse the town for unusual and/or extraordinary costs incurred by the town, which might arise by reason of granting the license and promotion and conduct of the assembly. Proof of expenses incurred by the town, or notice of intent to file such proof, shall be submitted within 60 days following the event to the applicant or bonding company. The amount of the bond shall be negotiated between the applicant and the town board, giving consideration to the nature and size of the event.

(Ord. No. 1999-04, § 6(C), 12-1-1999)

Sec. 30-167. Liability insurance.

Prior to the time of granting the license, the applicant shall provide a certificate of single limit liability insurance, written by an agent licensed to do business in the state, in the amount of \$1,000,000.00, covering bodily injury, property damages and personal injury, naming the town, its agents, servants and employees as an additional insured. Such policy shall indemnify and hold harmless the town, its agents, servants and employees from any liability or causes of action, which might arise by reason of granting this license.

(Ord. No. 1999-04, § 6(D), 12-1-1999)

Sec. 30-168. Cancellation or delay surety.

The applicant shall provide a copy of an insurance policy, which will cover expenses incurred in the event that the assembly is canceled or postponed by either the applicant or the town.

(Ord. No. 1999-04, § 6(E), 12-1-1999)

Sec. 30-169. Compliance with all applicable law required.

The applicant, on the occasion of filing an application for such license, shall submit evidence that the applicant has complied with any and all local, county, state and federal laws and regulations regulating the gathering of large numbers of people, and specifically that the applicant has complied, if applicable, with fermented malt beverages and intoxicating liquor license requirements and has obtained such licenses.

(Ord. No. 1999-04, § 6(F), 12-1-1999)

Sec. 30-170. Information office or booth.

The applicant shall provide a centralized office or information booth with a telephone at the assembly location to provide information regarding tickets, water, food, telephone locations, etc., and as an emergency contact center.

(Ord. No. 1999-04, § 6(G), 12-1-1999)

Sec. 30-171. Issuance of license.

- (a) The application for a license shall be processed within 45 days of receipt by the town clerk, and the license shall not be issued until the town board has approved the license and the applicant has filed written proof of compliance with the requirements for issuance of the license.
- (b) In consideration of the nature of the proposed assembly, the town board may require that the applicant comply with other conditions in order to protect the health, safety and welfare of those assembled and of all persons in the town, visitors and residents alike.
- (c) Any license issued under this division is subject to the applicant's compliance with the conditions of this division and subject to the applicant's compliance with all other conditions required by the town board at the time of approval.
- (d) The town board may consider requests for variances from any of the requirements of this division when an applicant can show that strict compliance with this division would cause exceptional and undue hardship by reason of the special nature of the proposed assembly or by reason of the fact that the circumstance make

the requirements of this division unnecessary, provided that such variance may be granted without detriment to the public health, safety, or welfare and without impairing the intent and purpose of these regulations.

- (e) In the event that the applicant has complied with all the requirements of this division, the town board shall issue such license to the applicant.

(Ord. No. 1999-04, § 7, 12-1-1999)

Sec. 30-172. License contents.

The license shall contain the name of the licensee, the licensee's home and business addresses and home and business telephone numbers, the date, time and location of the assembly, the maximum number of people allowed to assemble, and all other conditions required by the town board with which the licensee must comply.

(Ord. No. 1999-04, § 8, 12-1-1999)

Sec. 30-173. Revocation of license.

This license may be revoked by the town board at any time, if any of the conditions necessary for issuing the license or contained in the license are not complied with, or if any condition previously met shall cease to be complied with.

(Ord. No. 1999-04, § 9, 12-1-1999)

Sec. 30-174. Enforcement; violations and penalties.

This division may be enforced by an injunction by any court of competent jurisdiction; any holding of an event in violation of this division shall be deemed a public nuisance and may be abated as such. Any person, firm or corporation who or which violates any of the provisions of this division shall, upon conviction thereof, be required to pay forfeiture of not less than \$5,000.00 nor more than \$25,000.00, and the costs of prosecution. Each violation of any condition of this division shall constitute a separate offense.

(Ord. No. 1999-04, § 10, 12-1-1999)

Secs. 30-175—30-190. Reserved.

ARTICLE V. DRIVEWAY ACCESS STANDARDS

Sec. 30-191. Statement of Purpose.

- (a) The purpose of this Ordinance is to regulate the procedures, establishment, construction, improvement, modification, or the reworking of a driveway or field driveway to:
 - (1) Assure that the site and method of construction to be used will promote the public health, safety, and general welfare of the community;
 - (2) Provide safe entrance onto public roadways by avoiding dangerous driveway locations;

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- (3) Prevent damage to public roads, graded ditches, roadsides and other driveways by controlling drainage;
 - (4) Maintain safe travel on public roads;
 - (5) Provide uniform, consistent design standards for the construction and improvement of driveways;

Sec. 30-192. Authority.

- (a) These regulations are adopted under the general police powers authority granted pursuant to Wisconsin Statutes §§ 86.07(2), 60.10(2)(c), 60.22(3), 61.34(1), 66.0425 and under the Town Highway authority granted by Wisconsin Statute Ch. 82.
- (b) Any amendments, repeals or recreations of the statutes relating to this ordinance are incorporated into this ordinance by reference as of the effective date of the amendment, repeal or recreation.

Sec. 30-193. Jurisdiction.

- (a) This ordinance applies to all driveways, including residential, open space, agricultural, commercial, industrial, temporary and field driveways, accessing town roads, which occur or are proposed to occur in the Town of Somerset, St. Croix County, Wisconsin.
- (b) Specific standards set forth by this ordinance apply only to those segments of driveways located within a town road right-of-way.
- (c) Driveways accessing on to county, state or federal highways must obtain approval of the proper regulating authority for those roads for a driveway permit and are exempt from obtaining a driveway permit from the Town of Somerset.

Sec. 30-194. Severability.

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Sec. 30-195. Definitions.

(a) Interpretation

- (1) For the purpose of administering and enforcing this Ordinance, the terms or words used herein shall be interpreted as follows:
 - (a) Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - (b) The word “shall” is mandatory, not permissive.
 - (c) All distances, unless otherwise specified shall be measured horizontally.
 - (d) All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

(b) Definitions

- (1) **Driveway:** A private way, 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 and will provide vehicular access from the highway to a residence, business, recreational site or other appropriate use.
- (2) **Field Driveway:** A type of driveway used solely to access land for agricultural use.
- (3) **Temporary Driveway:** A driveway that may be placed for a specific purpose such as logging but which must be removed at the end of the allocated timeframe.

Sec. 30-196. Driveway Permit Requirements.

- (a) All new driveways proposed to be installed or modification of any existing driveway shall require a permit and inspection by the Town Board’s representative designated by the Town Board. No driveway permit shall be issued until a completed application has been made and approved by the Town. No construction work shall commence on a driveway prior to obtaining a permit.
- (b) Existing field driveways are exempt from the permit requirement unless they are being rebuilt to accommodate new construction of a building.
- (c) The driveway permit shall be obtained before the building permit is issued for a new residence.
- (d) Existing driveway surface maintenance or repair does not require a driveway permit.
- (e) The Town Board shall appoint or contract with a Town Board representative for driveway design review, inspection and approval.
- (f) The fees for a driveway permit and field drive permit shall be set by the Town Board and shall be payable at the time of application for the permit. The fee for a driveway permit covers one inspection for driveway location and one inspection for compliance with this chapter. Each additional inspection required due to failure to comply with this chapter will require prepayment of a fee to be set by the Town Board.

Sec. 30-197. Driveway Permit Application Process.

- (a) The Town Board or Town Board representative shall review all driveway permit applications and approve and issue all driveway permits.
- (b) Driveway permit applications shall be available from the Town clerk/Representative or the Town website. The driveway permit application shall include the following information:
 - (1) Applicant name and contact information
 - (2) Property owner name and contact information, if different than the applicant
 - (3) Property information such as site address, legal description, town road
 - (4) Project information such as type of driveway, driveway location, town road, and proposed construction plan and dates
 - (5) A site plan or sketch, which shall include the following information:
 - (a) North arrow
 - (b) Parcel or lot dimensions
 - (c) Existing and/or proposed buildings
 - (d) Proposed driveway location
 - (e) Locations of existing driveways on neighboring properties within 300 feet of the proposed driveway
 - (f) Road name(s) and locations to lot or parcel and driveway
 - (g) Driveway specifications including width, length and materials to be used
 - (h) Culvert size, length and location, if needed
 - (i) Drainage areas that impact or cross the driveway and descriptions of how water will be handled to protect the integrity of the driveway.
 - (j) Slopes of 20 percent or greater that the driveway will disturb or cross, and descriptions of how erosion will be prevented and/or sediment controlled
 - (6) Contact information for whoever will be constructing the driveway.
- (c) The application shall be signed by the property owner.
- (d) The applicant shall mark the proposed driveway location with flags and/or stakes. The proposed centerline of the driveway surface shall be marked.
- (e) All applicants shall pay a non-refundable permit review and inspection fee of an amount set by the Town Board

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- (f) The application and site plan or sketch shall be reviewed by the Town Board representative for conformance with this ordinance.
 - (g) Within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall approve or deny the issuance of a driveway permit for a single property.
 - (h) For joint driveways, within 15 days from the date of submittal of a properly completed application, including site plan, and after an inspection of the site has taken place, the Town Board's representative shall make a recommendation to approve or deny to the town Board.
 - (i) The Town Board or Town Board's representative may require a final inspection to confirm the driveway construction is in conformance with the driveway permit and this ordinance.
 - (j) The driveway permit shall be valid for one year from the date of issue. All approved construction must be completed before the permit expires.

Sec. 30-198. Driveway General Standards.

- (a) The Town Board reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right of-way as may at any time be considered necessary to facilitate the relocation, reconstruction, widening and maintaining of the highway or to provide proper protection to public health, safety and property on or adjacent to the town road.
- (b) The applicant, his successors and assigns agree to hold harmless the Town of Somerset and its duly appointed representative against any action for personal injury or property damage sustained by construction of the driveway authorized by Town of Somerset permit.
- (c) The Town of Somerset does not assume any responsibility for repair or maintenance of any driveway along a town road, including repair, maintenance or replacement of culverts in the town road right-of-way. Repair, maintenance or replacement is the responsibility of each property owner.
- (d) The Town of Somerset does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening on windrows of such material, upon any portion of any driveway along a town road, even though snow, ice or sleet is deposited or windrowed on said driveway by the town's authorized representatives engaged in normal winter maintenance operations.
- (e) All driveways shall be designed and maintained by the owner(s) to not obstruct or impair drainage in highway side ditches or roadside areas, unless the driveway has been designed to redirect or hold water.
- (f) All driveways shall be designed and maintained by the owner(s) to prevent surface water drainage from the driveway area flowing onto the roadway.
- (g) All driveways shall be designed and maintained by the owner(s) to allow reasonable access by emergency vehicles. Based on standards recommended in the International Fire Code, every driveway should have 12 feet of horizontal clearance and 13.5 feet of vertical clearance to allow ingress and egress by emergency vehicles. Utility companies recommend 18 vertical feet of clearance. Driveway owners are responsible for trimming trees and bushes to maintain clearances for emergency access.

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- (h) Residential, open space and agricultural land uses shall have a maximum of one driveway access if the zoning district is Ag Residential or Conservancy.
 - (i) Commercial and industrial land uses shall have a maximum of two driveway accesses if the zoning district is Commercial or Industrial.
 - (j) Institutional land uses shall have a maximum of one driveway if the zoning district is Ag Residential or Conservancy; and a maximum of two driveways if the zoning district is Commercial or Industrial.
 - (k) Field driveways for agricultural land use shall not exceed one for every 200 feet of frontage.
 - (l) Field driveways are required to obtain a driveway permit and to meet the other driveway design standards in Sec. 30-203 (driveway design standards) below.

Sec. 30-199. Driveway Design Standards.

- (a) All driveway construction shall meet the following standards:
 - (1) A maximum grade of 12 percent at any point along the driveway.
 - (2) A maximum grade of 2 percent within 50 feet of the centerline of the intersecting road. The driveway surface shall initially follow the existing shoulder grade and shall slope away from the town road.
 - (3) To ensure safe turning movements into driveways, especially during snow, sleet, ice and heavy rain events when sliding and skidding are likely to occur, the maximum slope of the roadway centerline grade for a distance of 100 feet from each side of the driveway centerline shall be six percent or less.
 - (4) All driveways should intersect the public road at approximately a 90 degree or right angle to the highway pavement.
 - (5) All driveways on town roads with 45-55 mile per hour speed limits shall have an adequate sight distance of 450 feet along the intersecting road, measured at a height of 3.5 feet from the shoulder line at the proposed driveway location to 3.5 feet from the road's centerline surface, in both directions.
 - (6) Driveway access for a single site shall be located at least five feet for field driveways and 10 feet or more for all other driveways from the property line. However, if approved by the Town Board, a joint or shared driveway for two properties may be placed on the property line.
 - (7) Driveway access openings for vehicular ingress and egress shall be sufficiently wider at the roadway surface for safe turning movements and within the right-of-way to cover a culvert, when needed.
Typical Residential Driveway, below.
 - (a) Driveway access openings for residential, open space and agricultural land uses shall have a minimum width of 16 feet and a maximum width of 24 feet at the right-of-way line.
 - (b) Driveway access openings for commercial and industrial land use shall have a minimum width of 20 feet and a maximum width of 35 feet at the right-of-way line.

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- (c) The transition radii between the edge of the roadway and the edge of the driveway shall be a maximum of 30 feet on a driveway for residential land use and 40 feet on a driveway for a commercial or industrial land use.
 - (8) A minimum driveway surface/mat of 12 feet in width.
 - (9) A minimum separation of 200 feet measured centerline to centerline.
 - (10) A minimum site distance of 400 feet along the intersecting road.
 - (11) The driveway must have at least six inches of 3/4-inch rock on the roadbed within 33 feet of the centerline of the intersecting road.
 - (12) The side slope of the driveway access at the intersecting road shall be vegetated and graded to match the apron and end walls.
- (b) Upon completion of the design review, the Town's representative shall inform the property owner when a culvert is deemed necessary.
 - (c) Culverts outside the right-of-way may be necessary for proper drainage and safe emergency vehicle access, but the size, design and location are the property owner's responsibility.
 - (d) All culverts shall meet the following standards.
 - (1) The culvert shall be installed and maintained by the property owner. Replacement of a damaged or worn culvert is the property owner's responsibility.
 - (2) The culvert shall meet Wisconsin Department of Transportation requirements and standards and shall be of galvanized, corrugated steel, arch or reinforced concrete or dual wall HDPE construction.
 - (3) The culvert shall be of a size and elevation to provide proper drainage under the driveway entrance and along the town road. The culvert's minimum size shall be 18-inch diameter, 24 feet in length (pipe only), and will additionally have standard galvanized apron end walls and be maintained by the property owner to provide proper drainage under the driveway entrance along the road. If a larger culvert is necessary, the Town's representative shall provide the specifications to the property owner.
 - (4) The minimum cover over the culvert shall be a minimum of 12 inches measured from the top of the pipe to the top of the crushed aggregate.
 - (e) Any disagreements regarding the need for a culvert or needed size of the culvert shall be referred to the Town Chair or an appointed Town representative for a final decision and determination.
 - (f) Retaining walls and embankments of any kind, rocks, timbers and other similar driveway marking treatments are prohibited within the right-of-way.
 - (g) Town road surfaces, slopes, shoulders, ditches and vegetation disturbed by construction shall be restored by the property owner.
 - (h) Driveways shall not cross agricultural land unless no other alignment is possible.
 - (i) Field driveways should be placed close to property lines or fence rows wherever possible.

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- (j) Every driveway over 500 feet in length should have an area sufficient for a turnaround of a tandem axle truck and be acceptable to the Fire Department providing service to the lot or property. Written approval is encouraged.
 - (k) A clear, obstruction-free vision triangle of 30 feet from the centerline shall be maintained on each side of the driveway. No building, fence, structure, vegetation or any other object preventing a line of sight through the vision triangle may be placed.

Sec. 30-200. Joint Driveway Design Standards.

- (a) Joint or shared driveways may be allowed where beneficial, but the shared amount shall be the least amount necessary and shall not provide access to more than two lots or parcels.
- (b) Joint driveways shall be approved by the Town Board.
- (c) In addition to the standards in **Sec. 30-199. Driveway Design Standards** above, joint, or shared driveways shall have a minimum width of 20 feet and a maximum width of 24 feet at the right-of-way line.
- (d) A shared driveway maintenance agreement, addressing repair and maintenance, is required for all shared driveways and shall be approved by the Town Board. The shared driveway agreement shall be recorded with each property's deed in the St. Croix County Register of Deeds Office.

Sec. 30-201. Temporary Driveway Standards.

- (a) A temporary driveway may be allowed to accommodate short-term events or activities such as parking or logging. It shall not be used to access a residential building site or property.
- (b) In addition to meeting all the driveway standards in **Sec. 30-199. Driveway Design Standards** above, the applicant shall provide a removal and repair cash deposit to be held by the Town. The deposit shall be an amount set by the Town Board up to \$10,000 to cover the cost of driveway removal, regrading, seeding, vegetation and associated administrative costs such as advertising and bidding.
- (c) A temporary driveway shall be approved by the Town Chair or an appointed Town representative.
- (d) A temporary driveway permit shall be issued for a maximum of six months.
- (e) Within 30 days of the expiration of the temporary driveway permit, the driveway and any culvert shall be immediately removed, and the ditch and right-of-way graded and seeded to match the grade and cover prior to installation.
- (f) Upon removal of the temporary driveway, the Town Chair or an appointed Town representative shall be contacted to inspect the restoration prior to any return of deposit.
- (g) In the event the driveway is not removed at the expiration of the permit, the Town Board shall exercise its right to retain the removal and repair deposit and use those funds to remove the driveway, repair the site and reestablish vegetation.
- (h) All temporary driveways will have a temporary bond on them of \$2,500. This will be held in case any damage occurs to the road or ditch that is not repaired or restored.

Sec. 30-202. Commercial Driveway Standards.

- (a) A commercial driveway shall meet all of the standards of St. Croix County's Code chapter 15 and WI DOT standards of accessing a state highway. Any commercial driveway accessing a state or county highway shall obtain a permit and must be approved by the state or county before construction and must meet all state and county standards.
- (b) A commercial driveway shall meet or exceed all of the driveway standards for Town of Somerset, such as an 18 -inch diameter, a 24-foot length culvert that meets WI DOT minimum standards and apron end walls installed.
- (c) A maximum grade of two percent within 50 feet of the centerline of the intersecting road; sloping away from the road.
- (d) The side slope of the driveway accessing at the intersection road shall be vegetated and graded to match the end walls.
- (e) The commercial driveway must have at least ten inches of three-quarter-inch rock on the roadbed within 33 feet of the centerline of the intersection road.
- (f) All commercial driveways shall intersect the road at a 90 degree or right angle to the highway pavement.
- (g) All commercial driveways must be paved/blacktopped.

Sec. 30-203. Waiver to Driveway Design Standards.

- (a) If the applicant can clearly demonstrate that one or more unique conditions affecting the driveway location make the literal application of one or more of the design standards impracticable or unduly burdensome, the Town Board may waive such design standards as may be reasonable, provided that the waiver is not contrary to the general intent and purposes of this ordinance and the health, safety, and general welfare of the neighborhood.
- (b) Any request by an applicant for a waiver of any standard must accompany the initial application and must state the reason for the request.
- (c) A waiver may not be based on mere inconvenience or financial hardship to the applicant or a self-created hardship of the applicant.
- (d) A waiver shall provide only the minimum relief necessary to overcome the unique condition(s).
- (e) Only one driveway per residential lot. Applicants wishing to request two driveways per residential lot must meet the following conditions and obtain Town Board approval:
 - (1) Residential land use lots or parcels shall have a maximum of one driveway access with a maximum width of 24'. If access is denied to another portion of the parcel that is not reasonably accessible from the primary driveway due to site layout, topography or other conditions, the Town, County or State may approve a second driveway with a minimum spacing of 200' between driveways and 200' from any intersection or neighboring driveways.
 - (2) Applicants must state the reasons why compliance with the code cannot be attained without the variance.
 - (3) No variance shall be granted solely on the basis of economic gain or loss or a mere inconvenience. Self-created hardships shall not be considered as grounds for granting of the variance.

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- (4) No variance shall be granted that will create substantial detriment to adjacent property or that will materially impact or be contrary to the adjacent property owner's public safety interest.

Sec. 30-204. Temporary Construction Driveway/Stone Tracking Pad.

- (a) A permanent driveway may be installed instead of a temporary construction driveway/stone tracking pad, if it meets the standards of this ordinance, is able to support construction traffic and meets the UDC standards.
- (b) Under the Uniform Dwelling Code (UDC), temporary construction driveway/stone tracking pad or washing station is required at all construction sites. Contact the Town of Somerset Building Inspector for a Building Permit and the standards for constructing a stone tracking pad/temporary construction driveway. Stone tracking pads reduce off-site sedimentation by eliminating the tracking of construction site sediment onto public roadways.

Sec. 30-205. Rural Address Sign Placement.

- (a) Placement of rural address signs within the town road right-of-way shall meet the following standards:
 - (1) Address signs shall be placed on the right side of the driveway, when facing the driveway from the road and at the road right-of-way line.
 - (2) The address sign shall be kept clear of obstruction and shall be placed parallel to the road for visibility in both directions.

Sec. 30-206. Mailbox Placement.

- (a) Placement of mailboxes or newspaper boxes within the town road right-of-way shall meet the following standards:
 - (1) Mailboxes and newspaper boxes shall be placed so the front of the box is aligned with the outside edge of the gravel shoulder.
 - (2) The post shall be placed a minimum of 24 inches from the front of the mailbox. The box may be on a swing arm.
 - (3) The bottom of the mailbox shall be between 42 and 48 inches above ground level. The recommended minimum height is 46 inches to allow snowplows to remove the snow.
 - (4) All mailboxes and newspaper boxes shall be placed on the same post to avoid unnecessary posts where possible.
 - (5) Mailboxes serving neighboring houses shall be grouped together where possible.
 - (6) Mailboxes serving houses in cul-de-sac shall be grouped together preferably on the right side as entering the cul-de-sac
 - (7) Mailbox posts should be constructed to break away at impact. Acceptable standards include:
 - (a) Pipes two inches inside diameter or less.
 - (b) Square wood supports four by four inches or less; round wood posts 4 inches or less in diameter.
 - (c) Metal channel posts not more than two pounds per foot in weight.

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- (d) Imbed supports no more than 24 inches into the ground and do not imbed in concrete.
 - (e) Do not use anchor plates with metal posts. Anti-twist flanges are acceptable as long as they do not project more than 10 inches into the ground. These should be attached to the metal post or pipe with 2 3/8-inch muffler clamps.
- (b) Mailboxes and newspaper boxes should be exposed 15 feet on each side during the snow season.

Sec. 30-207. Obstructions in the Right of Way.

- (a) Under the authority of Wisconsin Statute §86.03, the Town of Somerset may remove trees within the town road right-of-way if the Town determines the tree(s) presents a public health or safety hazard. No compensation will be provided to the property owner.
- (b) The right-of-way of all town roads must remain clear of any obstructions which impede road sighting and/or road/ditch maintenance including but not limited to retaining walls, fences, shrubs, etc.

Sec. 30-208. Deposit of Snow and Ice on Streets.

- (a) Pushing snow or other materials onto or across highways from private driveways can cause accidents and injury, and is prohibited by **Wisconsin §86.01, §86.07, §346.94(5), and/or §346.95.**
- (b) No person, firm or corporation shall deposit or cause to be deposited on the streets of the Town of Somerset, snow or ice which impedes traffic or requires further plowing.
- (c) Any person, firm or corporation who or which deposits or causes to be deposited on the streets of the town snow or ice which impedes traffic or requires further plowing shall be subject to the penalty provided in Sec.30-209 hereof and for the cost of such further plowing.

Sec. 30-209. Enforcement and Penalties.

- (a) Any person who constructs or modifies any driveway without a permit as required by this ordinance shall forfeit \$100.00 plus all applicable assessments, surcharges, and court costs. Any person who constructs or modifies a driveway in violation of any other provisions of this article, unless the violation is corrected within 30 days of date of written notice from the Town Board or representative, shall forfeit \$100.00 plus all applicable surcharges and court costs for each violation. Each day that any violation continues shall constitute a separate offense. An unlawful driveway constitutes a public nuisance and may be subject to abatement by any applicable procedure.
- (b) Each day that any violation continues shall constitute a separate offense.
- (c) Any person who constructs or modifies a driveway in violation of any other provisions of this Ordinance, unless the violation is corrected within thirty days of date of written notice from the Town Board or Town Representative or Building Inspector, shall be assessed a penalty fee as per the current Town's Fee Schedule.
- (d) An unlawful driveway in violation of this ordinance constitutes a safety hazard or public nuisance and may be subject to removal.
- (e) If the Town Board determines that removal or correction to the driveway is necessary to satisfy this ordinance, the Town Board may cause the removal or required corrections to be made. The cost of such repairs, corrections, restoration or removal will be charged to the property owner as provided in § 86.02 of the Wisconsin Statutes. The Town's direct and indirect costs may include but are not limited to, engineering,

legal, administrative, materials, construction and demolition expenses. Should the landowner fail to pay the penalty and/or repair, correction, restoration or removal costs, a special charge may be imposed again on the real property of the property owner(s) as provided in § 66.0627 of the Wisconsin Statutes.

- (f) Deposit of litter, debris or snow on town roads or town property and failure of the violator to immediately clean-up such litter, debris or snow shall be considered a violation of this ordinance.
- (g) The Town Board may set fines and penalties for the unlawful deposit of litter or debris. Each site where litter or debris is deposited shall constitute a separate offense.
- (h) Any person, firm or corporation who or which shall violate any of the provisions of Secs chapter shall, upon conviction thereof, be punished as follows: by a forfeiture of not more than \$100 and the costs of prosecution and, in default of the payment of the forfeiture and costs of prosecution, by imprisonment in the county jail until said forfeiture and costs are paid, but not to exceed 30 days.