

# TOWN OF UNION

## DOOR COUNTY, WISCONSIN

### ORDINANCE 2024-03

An Ordinance Repealing and Recreating Code Sections 4.03 and 11.04

#### **Construction in Town Road and Code Enforcement**

The Town Board of Supervisors of the Town of Union, Door County, Wisconsin, do ordain as follows:

1. **AUTHORITY/PURPOSE.** This Ordinance is based upon authority granted by Wis. Stats. Section 60.22 (3) and 82.03. The purpose of this ordinance is to repeal and recreate the Town of Union ordinances.

2. **REPEAL AND RECREATION.** Existing ordinance 4.03 of the Town of Union, Door County, Wisconsin, is hereby repealed in its entirety, and is recreated as follows:

#### **4.03 PERMITS REQUIRED TO CONSTRUCT ROAD OR DRIVEWAY, WORK ON, OVER OR UNDER TOWN ROAD, OR BLOCK CULVERT.**

- (1) **Construction of Road or Driveway.** No person shall construct a road or driveway in the Town without first obtaining a permit from the Town Board. In addition, if a driveway provides access from abutting land to a State trunk highway, or County Road, no Town driveway permit shall be issued until the applicant has obtained a driveway permit from the Wisconsin Department of Transportation or the Door County Highway Department.
- (2) **Work on, Over or Under Town Road.** No person shall conduct any work upon the road surface, under or over the road surface within a Town road right-of-way without first obtaining a permit from the Town Board. Before this permit can be granted, the applicant must submit a bond to guarantee that the part of the road worked on will not sink or rise in respect to the rest of the road for five years.
- (3) **Blocking a Culvert.** No person shall close or block a culvert without first obtaining a permit from the Town Board.
- (4) **Blocking a Town Road.** No person shall take any action within a Town right-of-way to block the full and unrestricted use of or access to, a Town Road in the Town of Union.
- (5) **Constructing a Culvert.** Where a road, private access easement or driveway intersects with a Town road, the Town Chairman will determine if a culvert is to be put in, what size and gauge it will be shall be determined by the Door County highway department. The minimum size for a culvert shall be twelve (12) inches, with a gauge of sixteen (16).

- (6) **Duration of Permit.** A Town road permit is valid for one year from the date of issuance. If construction is not completed within one (1) year a new permit must be applied for and a new fee paid.
- (7) **Permits Not To Be Issued for Unapproved Lots or Parcels.** The building inspection supervisor shall not issue any Town permit for the construction of any road or driveway on or to any lot or parcel in the Town that was divided, subdivided, transferred, or sold in violation of Chapter 7. See Zoning Ordinances for further definition.

3. **REPEAL AND RECREATION.** Existing Ordinance 11.04 of the Town of Union, Door County, Wisconsin, is hereby repealed in its entirety, and is recreated as follows:

#### **11.04 PENALTY PROVISIONS.**

- (1) **General Penalty.** Unless otherwise specifically provided in this code, or under a schedule of forfeitures adopted by the Town Board, any person who shall violate any of the provisions of this code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - (a) *First Offense-Penalty.* Any person who shall violate any provision of this code subject to a penalty shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000), together with the costs of prosecution, and applicable penalty assessments, fees and surcharges and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County jail until said forfeiture, costs, assessments, fees and surcharges are paid, but not exceeding ninety (90) days.
  - (b) *Second Offense-Penalty.* Any person alleged to have violated any section of this code for a second or subsequent time within the previous twelve (12) months, shall, upon conviction thereof, forfeit not less than Two Hundred Fifty Dollars (\$250) nor more than Two Thousand Dollars (\$2,000) for each such offense together with the costs of prosecution and applicable penalty assessments, fees and surcharges and in default of payment of such forfeiture costs and shall be imprisoned the County jail until said forfeiture, costs, assessments, fees and surcharges of prosecution are paid, but not to exceed ninety (90) days.
  - (c) *Continuing 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 commencing or maintaining any appropriate action to prevent or remove a violation of this code.

(2) **Enforcement by legal action.** As an alternative to the issuance of a citation for enforcement of a violation, the Town of Union may seek to enforce the violation of any Town Code or ordinance violation by commencement of an action in Door County Circuit Court requesting an injunction, declaration, or other order for the enforcement or discontinuation of the violation. In such event, the Town shall recover all costs, fees and legal fees incurred by it in such action.

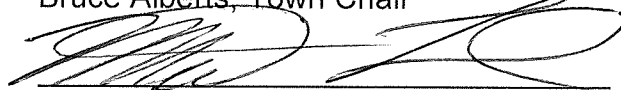
4. **EFFECTIVE DATE.** This ordinance shall take effect on the day following its publication.

5. **POSTING.** The town clerk shall properly post or publish this ordinance as required under Wis. Stats. §60.80.

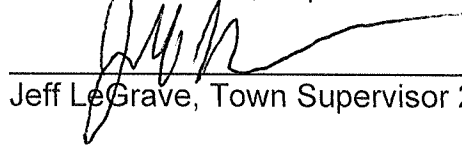
Adopted this 9th day of October 2024.



Bruce Alberts, Town Chair



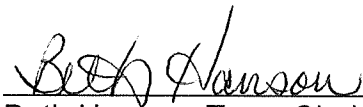
Matthew Tassoul, Supervisor 1



Jeff LeGrave, Town Supervisor 2

Certification:

I Beth Hanson, Clerk of the Town of Union hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 9<sup>th</sup> day of October 2024 by the Union Town Board of Supervisors.



Beth Hanson, Town Clerk

