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ORDINANCE NO. 2024-002

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF LINN,
WALWORTH COUNTY, WISCONSIN, SECTION 3-9 (A)(7)(8) INSTALLATION OF
DRIVEWAYS AND CULVERTS

§ 3-9 Installation of Driveways and Culverts

A. Permit for new driveways. No person shall hereafter lay or install any driveway or install a culvert in connection therewith in the Town road right-of-way within the Town of Linn without first obtaining a permit from the Town of Linn. The permit will be obtained with the building permit **and will be issued through the Highway Department.**

B. Permit for existing driveways. No person shall hereafter install a culvert or resurface any existing driveway in the Town road right-of-way within the Town of Linn without first obtaining a permit from the Town of Linn.

Concrete surface. Any driveway, new or existing, which is to be surfaced with concrete shall terminate at the property side of the culvert but not any closer than five feet to the edge of the road.

C. After-the-fact permit. Any person who installs any driveway or culvert in connection therewith in the Town road right-of-way within the Town of Linn without first obtaining a permit from the Town of Linn shall be required to submit an after-the-fact permit application and \$50 permit fee within the timeline provided by the Highway Superintendent.

D. Form of application. Every such application for a permit shall describe the public road adjacent to the culvert and/or driveway, the location of the culvert and/or driveway, and the nature of the work being undertaken by the applicant, together with the name and address of the applicant, the estimated date of commencement of work, and such other information as may be required by the Town Board. Permits shall be issued by the Highway Superintendent on a permit form approved by the Town Board.

E. Culverts installed with the purpose of gaining access to private property shall be the responsibility of the property owner to maintain in good working condition. Upon written notice from the Town, the property owner shall have 90 days to replace a defective and/or failing culvert unless an extenuating circumstance exists and is agreed upon with the Highway

Superintendent in writing. Failure to act will result in the Town, or its acting agent, performing the necessary corrective action at the property owner's expense. Any costs incurred by the Town shall be charged back to the property owner and shall be paid within 90 days of the billing being sent. If the property owner shall fail to pay within said ninety-day period, said costs will be placed as a special charge against the property. In certain circumstances the Town may assist, when deemed necessary and appropriate, with the maintenance of the flow of water through the culvert(s).

F. Conditions of permit for new driveways. Any permit issued by the Town, pursuant to this section, is subject to the following terms and conditions:

(1) Placement. The driveway shall be placed as near as possible at a right angle to the roadway and shall be so located that there is a minimum of 400 feet of sight distance along the road in each direction. Any sight distance of less than 400 feet shall require a variance. A driveway shall not provide direct ingress or egress to or from a road intersection area and shall not occupy areas of the road right-of-way deemed necessary by the Town Board for effective traffic control or for highway signs or signals.

a. Additional driveways. Property owners may petition the Highway Committee for any additional driveway for any private property parcel. Requests will be reviewed on a case-by-case basis in conjunction with the Highway Superintendent and the Highway Committee.

(2) Culvert. When required to provide for adequate surface water drainage along the road, the property owner shall provide any necessary culvert pipe at his own expense. The culvert, if needed, shall be of a type which will withstand the nature and type of traffic to be driven over it. The culvert shall be of such size to facilitate the drainage of water common to that area through said culvert. All excavation for culverts, etc., in the right-of-way will be done in a workmanlike manner, and said excavation, etc., will be completed in such a way as to cause minimal inconvenience to the public.

(3) Elevation. The elevation of the finished driveway surface directly atop the culvert shall be four inches below the elevation of the road edge at the driveway. The width of the driveway at the culvert shall be a minimum of 20 feet. The driveway shall be crowned so as to direct the runoff water away from the roadway and into the ditch. Any excavation or lawn seeding must slope away from the shoulder of the road for a minimum distance of four feet at a minimum grade of six to one. The property owner shall make another application to the Town for permission to place asphalt surfacing on the driveway if planned subsequent to the original culvert installation.

(4) Obstructions. There will be no obstructions in connection with the construction of the driveway or the installation of a culvert to be placed in the right-of-way of any highway or street in the Town of Linn at an elevation any higher than the finished grade of the roadway adjacent thereto.

(5) Concrete surface. Any driveway, new or existing, which is to be surfaced with concrete shall terminate at the property side of the culvert but not any closer than five feet to the edge of the road.

(a) Concrete surfaces that are installed contrary to the Town Code are subject to being removed for the purposes of maintenance. The Town, at its discretion, may install an asphalt surface to replace concrete. In addition, if a road is to be resurfaced, that portion of the driveway

may be removed at the owner's expense to create a proper transition between the road surface and the driveway.

(b)The Town is not liable for any damage caused to concrete driveway surfaces during maintenance activities by the Town or any agent working for the Town.

(6) Use of driveway during construction. All driveways shall be in place before any type of new construction begins. The driveway shall provide the only means of ingress to or egress from the construction site. Any damage to the Town road right-of-way, including the road surface, shall be repaired at the property owner's expense and in accordance with the Highway Superintendent's recommendation. All repairs must be completed before an occupancy permit will be issued.

(7) Damage to road and/or right-of-way. Any damage to the Town right-of-way, including the road surface adjacent to property when construction is occurring, shall be repaired at the property owner's expense and in accordance with the Highway Superintendent's recommendation. For road surfaces, damaged areas are to be saw cut or milled to create an even seam to existing pavement. Hot mix asphalt depth shall be a minimum of two inches after compaction. **Repairs along the road edge must be a minimum of 2 (two) feet wide. Certain circumstances may warrant, at the Highway Superintendent's discretion, a larger width to cover necessary repairs. In new construction settings, all repairs must be completed before an occupancy permit is issued.**

(8) Temporary construction access driveway. No person shall lay or install a temporary constructions access driveway without first obtaining a driveway permit from the Highway Department.

G. Conditions of permit for existing driveways. Any existing driveway which is to be resurfaced in any manner will also be required to comply with Subsection D(2), (3), (4), (5) and (6) of this section.

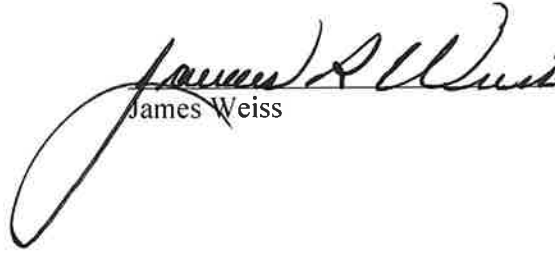
H. Variance. If a property owner feels hardship has been created due to the unusual terrain of his property, an appeal may be made to the Highway Superintendent for a variance on the conditions set forth by this section.

I. Penalty. Any person who shall violate the provisions of this section shall be fined \$250 upon conviction of said violation.

J. Additional relief. Any driveway or culvert installed upon, under, or over any highway right-of-way without a permit, or any such driveway or culvert which is installed contrary to the terms and conditions of the issued permit or of this section, shall be deemed a highway encroachment and shall be subject to removal pursuant to § 86.04, Wis. Stats., as it presently exists, or as it may hereafter be renumbered or amended. Failure to obey an order for removal under § 86.04, Wis. Stats., may result in a per diem forfeiture and the recovery of the Town's costs of removal.

Adopted this 12th day of January, 2026.

Town of Linn, Walworth County, Wisconsin.

 Chairperson
James Weiss

ATTESTATION:

 Clerk
Alyson Morris