

# Town of Troy

Walworth County  
N8870 Briggs Street  
East Troy, Wisconsin 53120

Chapter <sup>21</sup><sub>17 RP</sub>

Ordinance No. 2006-6

## AN ORDINANCE TO REGULATE CONSTRUCTION OF UNIMPROVED ROADS

WHEREAS, there are some unimproved roads within the Town of Troy, located on plats and

WHEREAS, constructing buildings, homes and locating people on such unimproved roads presents a threat to the public welfare and impedes providing public services to buildings and people on such properties.

The Town Board finds that public safety problems posed by building on unimproved roads include, but are not limited to the following:

Unimproved road are not built with sufficient base to support fire trucks or garbage collection trucks which then tear up the existing pavement, if any:

Such unimproved roads are not built wide enough and brush is not cleared wide enough to allow the fire trucks or school buses to pass without damage to the vehicles and damage to the edge of the pavement, or create ruts where no pavement exists if any:

Such unimproved roads are not usually maintained or plowed making access for the public services including mail delivery, garbage and recycling collection, law enforcement, ambulance, rescue, fire suppression services and school buses difficult. The failure to maintain and plow roads could result in blocking access altogether for emergency services. The Town of Troy does not provide public water or fire hydrants, thereby requiring tanker trucks to repeatedly leave a fire scene, reload and return.

Impaired access potentially means the difference between life and death or between saving a burning house or structure and its residents.

Now therefore the Town Board of Troy adopts this Ordinance.

### Section 1. Definitions.

“Unimproved road” means any roadway, driveway, right-of-way or the like shown on a plat or certified survey map which does not meet the standards for town roads established by the Town Board by ordinance, as amended from time to time.

**Section 2. Prohibition.** No new residential dwelling requiring a building permit shall be constructed when more than two residential dwellings would be located on an unimproved road shown on a plat or certified survey map, which is not dedicated to and accepted by the Town.

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**Section 3. Modifications.** The Town Board may grant a modification from some or all the strict terms of this Ordinance if such property owner demonstrates to the Town Board both a hardship, not of the property owner's own making and also extraordinary circumstances, including facts that do not apply to others similarly situated property owners. The Town Board may impose conditions upon granting the modification including, but not limited to imposing a bond to assure construction and maintenance of road improvements.

### Section 4. Enforcement.

A. This Ordinance shall be enforced by the building inspector who shall withhold and refuse to issue building permits for structures that do not comply with this Ordinance.

B. Any person who violates this Ordinance shall be subject to a forfeiture in the minimum amount of \$100.00, up to the maximum amount of \$300.00. Each day a violation takes place or continues shall constitute a separate offense. Citations shall be authorized by the Town Board.

C. The Town Board may authorize filing suit in Circuit Court seeking an injunction for violations.

**Section 5. Effective Date.** This Ordinance is adopted pursuant to the Town's powers, to act for the health, safety and welfare of the people and property in the Town. Therefore this Ordinance can be adopted by the Town Board.

Adopted on motion of Supervisor Brian Wexler, seconded by  
Supervisor Dan McCann on the 10th day of May, 2006.

Attest:

Ruth Polinski  
Ruth Polinski, Town Clerk

Approved:

Allen Curler  
Allen Curler, Chairman