

CHAPTER 2

DRIVEWAYS & CULVERTS

SECTION 1

2.01 TITLE

The name and the title of this ordinance shall be known and cited as "Driveways and Culverts".

2.2 PURPOSE

The purpose of this ordinance is to regulate the installation of driveways and culverts.

2.03 PERMIT REQUIRED

No person shall construct or maintain any driveway across any ditch, sidewalk or curbing or enter any road without first obtaining a driveway permit from the Town Board. No building permit shall be issued nor excavation begun where a culvert shall be installed, unless prior thereto a permit for the proper size and type of culvert first be obtained from the Town Board and the permit fees required by this ordinance and the escrow required by this ordinance have been paid to the Town. The actual placing and covering of the installed culvert shall be accomplished in accordance with the specifications of the Town.

2.04 PERMIT FEE

A culvert permit fee in the sum of \$75.00 shall be charged for the issuance of each permit designated for the installation of a driveway or culvert as set forth in Subsection (1). All persons receiving a permit to install a culvert shall also pay all costs of such installation in addition to the permit fee.

2.05 PROCEDURE FOR INSTALLATION

- (1) All culverts shall be installed by Waupaca County unless otherwise authorized by the Town Board.
If the Town Board authorizes the applicant to install culverts, the following process shall be followed:
- (2) Notice is required to be given by the person installing the said culvert. Following the installation the Town's designated representative shall make an inspection to determine that the culvert was appropriately installed.
- (3) In the event of the failure of the permit holder to properly install the culvert, upon a finding by the Town's designated representative of said improper installation, the permit holder shall be given 30 days notice, in writing, to repair, modify or reinstall the culvert according to the specifications of the Town. At the expiration of the 30 days, the Town

shall cause the culvert installation to be re-inspected and charges of the re-inspection shall be borne by the permit holder.

- (4) In the event that the permit holder continues to fail to follow the specifications and has not repaired the improper installation within the period of 30 days following the written notice, the Town shall thereafter move to install the culvert in the appropriate manner and all costs of said installation shall be billed to the permit holder. The determination of the defective installation shall be made by the Town.

2.06 DRIVEWAYS AND CULVERTS - EXTENSIONS FOR EXISTING CULVERTS

- (1) No existing culvert installations may be extended without first obtaining a permit for the extension from the Town Board.
- (2) Permit fees for the extension of existing culverts shall be \$25.00. Additional engineering charges may be assessed according to the terms and conditions of this section.
- (3) This section shall apply only where an existing culvert has been installed for a driveway or drainage in the ditches in the Town. The connection of any pipe to either end of an existing culvert installation shall be considered an extension of that culvert installation.
- (4) Permit issuance shall be upon the following terms and conditions:
 - (a) No extension shall exceed ten (10) feet in length excluding end walls except as provided in 2.06(4) (e).
 - (b) No extension shall cause the existing culvert and its extension together to exceed a total length of forty (40) feet, excluding end walls except as provided in 2.06(4)(e).
 - (c) The Town shall first check the installation for unusual problems. If it is determined that unusual problems exist the applicant shall further be required to pay all necessary costs related to the extension.
 - (d) The Town shall have the right to refuse the extension permit if it is determined that the existing installation already constitutes an impediment to drainage or requires substantial adjustment in order to maintain adequate drainage flows, or that an addition or extension to the existing culvert would create an obstruction or impediment to existing drainage flows.
 - (e) On property which is zoned for Commercial or Industrial purposes, an extension of an existing culvert or the installation of a new culvert may be allowed which shall bring the total length of the driveway culvert to a maximum length of sixty (60) feet provided that the 60 foot culvert length is necessary for ingress and egress of traffic. The total culvert length for driveways whose main function

and/or purpose is for employee or customer parking is hereby limited to forty (40) feet. Any extension of an existing culvert or the installation of a new culvert made under the provisions of this section shall be subject to the installation of one or more clean-outs as determined by the Town.

2.07 DRIVEWAYS AND CULVERTS - REGULATION OF TOWN CULVERTS

- (1) The property owner shall pay the total cost of installing such culverts including the cost of the culvert.
- (2) All culverts on Town roads in the Town of Fremont, Waupaca County, Wisconsin, shall be installed according to the grade set by the Town unless set by the County.
- (3) Only galvanized steel culvert pipe and end walls or reinforced concrete pipe and end walls shall be allowed to be used for installations in the Town. The minimum length of any installation shall be 24 feet of actual culvert pipe and the maximum length shall be 40 feet of actual culvert pipe, except that the sixty (60) foot maximum length allowed by 2.02(4)(e) shall be allowed if all provisions of that section are applicable and all conditions are met. Other installations may be made in excess of 40 feet only on the permission of the Town Board and only under the conditions set for the installation by the Board. All installations shall be required to have end walls on both ends of the culvert pipe. All descriptions of length hereunder do not include the end walls and the extension of the end walls beyond the end of the pipe is in addition to those lengths mentioned herein.
- (4) The Towns designated representative shall designate the size and diameter of the culvert to be installed. In the event of disagreement by the owner with the Engineers, the owner may request the Town Board to review the matter and set the required diameter.

2.08 INSTALLATION REQUIREMENTS

- (1) To protect the culvert from crushing, breaking or bending or any other damage, it is required that a minimum of 8 inches of crushed rock or gravel be placed on the top of the culvert.
- (2) In the event 8 inches of cover would bring the grade level too high, the installation of an arch, (oval) culvert pipe may be required by the Town Board.
- (3) Bedding and filling around the pipe and bedding and filling beneath the pipe shall be done with crushed rock, stone, gravel or other material approved by the Town Board but in no event shall dirt, clay or other loose ground be used.

2.09 VIOLATION

Construction or other activities contrary to this ordinance shall be a violation of this section as specified in appendix A.

2.10 PENALTY

- (1) Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not more than two hundred dollars (\$200.00) and not less than fifty dollars (\$50.00) and cost of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days.
- (2) No damages shall be allowed for the taking by any Governmental agency, for street or highway purposes, any building erected in violation of this ordinance.

SECTION 2

2.11 VALIDITY

If any provisions of this Ordinance are invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or its application.

SECTION 3

2.09 EFFECTIVE DATE

This Ordinance shall become effective upon its passage and publication according to law.