

TOWN OF MISHICOT  
DRIVEWAY/CULVERT ORDINANCE

Ordinance No. 2021-2 *Repealed See Index*

SECTION I. TITLE/PURPOSE/DEFINITIONS. This Ordinance is entitled the "Town of Mishicot Driveway/Culvert Ordinance." The purpose of this Ordinance is to regulate the installation of driveways and culverts in the Town of Mishicot.

SECTION II. AUTHORITY. The Town Board of the Town of Mishicot has the specific statutory authority, power and duty, pursuant to the specific statutory sections noted in this ordinance and/or by its adoption of village powers under Section 60.10 Wisconsin Statutes to regulate, control, or permit in the Town of Mishicot persons engaged in certain uses, activities, businesses and operations at certain locations in the Town of Mishicot, to assess these persons with appropriate fees for the licenses or permits as noted herein and to enforce, by penalty, the provisions of this Ordinance and the provisions of the licenses and permits.

SECTION III. ADOPTION OF ORDINANCE. The Town Board of the Town of Mishicot has, by adoption of this Ordinance, confirmed the specific statutory authority, powers and duties noted in the specific sections of this Ordinance and has established by these sections and this Ordinance, licenses and permits to regulate, control, enforce permit violations (by revocation or penalty), and assess appropriate fees to persons engaged in certain uses, activities, businesses and operations in the Town of Mishicot.

SECTION IV. GENERAL PROVISIONS. The Town Board of the Town of Mishicot has, by this ordinance, required and confirmed the following permit and established the following fee. No person shall engage or allow on land owned, used or leased by that person in the Town of Mishicot any particular use, activity, business or operation until that person has obtained the required permit as established in this ordinance. All application fees are to be made payable to the Town of Mishicot. The application for permit, when submitted by the applicant, shall contain the appropriate fee amount attached and the completed applicable form.

SECTION V. DRIVEWAY/CULVERT PERMIT -- PERMIT REQUIRED. Every person, pursuant to Section 66.0425 and 86.07 Wisconsin Statutes and this Ordinance in the Town of Mishicot, who desires to install or modify any driveway/culvert, shall seek and obtain a Driveway/Culvert Permit from the Town Road Superintendent.

1. The owner of lands adjacent to the right-of-way of a town road may not construct, maintain and use a driveway for access to the road unless the owner procures and abides by a permit from the Town Board.
2. The Town of Mishicot allows one culvert and driveway per parcel of land to provide access from Town roads to private lands.
3. Permit applications shall be available from the Town Road Superintendent who will

bring them before the Town Board. Applications for permits shall contain a description of the property involved including the land tax parcel number, the location of such driveway/culvert and the purpose for which the installation will be made. Such application shall be signed by the owner.

4. The applicant will include a diagram of the land parcel showing the location of the work to be done.

5. A landowner seeking a permit for a driveway shall complete an application on a form prescribed by the Town Board. If the proposed driveway meets the requirements of subsection 7 below, the Town Board shall issue a permit for construction and use of the driveway. A permit is valid for one (1) year from date of issuance. Culvert/driveway installation must be completed within 60 days from the start of the project.

6. The Town Board may authorize the Town Road Superintendent to issue driveway/culvert permits on its behalf. Requests for more than one culvert and driveway per parcel of land, the request for a culvert that does not meet the minimum size standards, or the request for a culvert and driveway that would not be considered a standard installation will require approval of the Town Board.

#### 7. Driveway/Culvert Requirements:

a. A culvert must be a minimum of 18 inches in diameter by 30 feet in length, which can be aluminized-coated steel or double-walled plastic. All culverts must include metal end walls. The culvert end must be a minimum of five feet from the property line and parallel to the roadway. The culvert shall be installed to allow proper drainage through the driveway. Longer culverts will be required where large trucks and equipment will travel, with the length to be determined by the Town. A driveway at a ditch high point may not require a culvert.

b. Driveways shall be constructed of solid, load bearing material. Driveway side slopes shall be of earth material, covered with black ground and seeded, or of gravel,  $\frac{3}{4}$ " diameter or less. The grade shall be no less than a 3 to 1 slope. No concrete or bituminous side slopes shall be constructed. Landscaping of driveway side slopes with materials other than those listed may be allowed with prior approval of the Town Road Superintendent. The surface of any materials used shall follow the contour of the ditch allowing ease of ditch maintenance by the Town and not pose a hazard.

c. All driveway installations must comply with the Manitowoc County Firefighters Association driveway guidelines. The Town Board may approve, reject or modify the width allowed for driving surfaces.

d. The applicant shall complete the culvert/driveway installation in a timely manner. A final inspection will be done upon completion by the Town Road Superintendent. Failure to complete installation within 60 days may result in the completion of the areas of the project in the Town right-of-way by the Town, with charges assessed to the landowner.

e. If the portion of a driveway which lies in the right-of-way is paved, it is the responsibility of the land owner to maintain it. The driveway will pitch away from the roadway for at least the width of the shoulder of the road. The pavement will also pitch from the center down to the edges or from one edge to the other to keep water from sitting on the pavement in the right-of-way. The pavement's leading edge facing traffic will be sloped downward to prevent snowplow blades from catching the pavement.

f. Any hazards present while work is being done in the Town right-of-way will be properly marked by the contractor or landowner with barricades, cones, or other safety devices to alert motorists to the hazardous area. Excess soils and construction materials shall be kept out of the Town right-of-way.

SECTION VI. FEE. The fee for a Driveway/Culvert Permit is set at \$25.00 per permit.

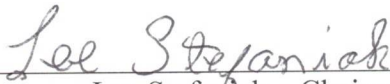
SECTION VII. – EFFECTIVE DATE

This ordinance is effective on publication or posting.

This ordinance replaces Ordinance No. 2014-8 (the words "*or modify*" were added to section V.)

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 1st day of November, 2021.

  
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Lee Stefanak – Chairman

  
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Dean Anhalt - Supervisor

  
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Robert DesJarlais - Supervisor

Attest:   
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Sarah Kowalski - Clerk